

CASEY 5

REPORT

OF THE

Arguments in the Court of Queen's Bench

ON SHEWING CAUSE AGAINST THE

CONDITIONAL ORDER FOR A CRIMINAL INFORMATION

AGAINST

JOHN SARSFIELD CASEY

AT THE PROSECUTION OF

PATTEN SMITH BRIDGE;

WITH THE

JUDGMENTS OF THE JUDGES

AND AN APPENDIX OF THE AFFIDAVITS AND DOCUMENTS USED ON THE MOTION



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Presiding Judges:

THE RIGHT HONORABLE MR. JUSTICE BARRY,
THE RIGHT HONORABLE MR. JUSTICE FITZGERALD,
THE RIGHT HONORABLE MR. JUSTICE O'BRIEN.

Counsel for Plaintiff:

SERGEANT ARMSTRONG, DENIS C. HERON, Esq., q.c.;
PETER O'BRIEN, Esq.

Solicitor for Plaintiff:

ROBERT SARGINT, Esq., CAHILL.

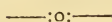
Counsel for Defendant:

ISAAC BUTT, Esq., q.c., M.P.; WILLIAM O'BRIEN, Esq., q.c.;
JOHN ROCHE, Esq.

Solicitor for Defendant;

ROBERT BARRY CRONIN, Esq., MITCHELSTOWN.

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QUEEN'S BENCH—CROWN SIDE.

THURSDAY, the 25th day of MAY, 1876.

THE QUEEN

AT THE

PROSECUTION OF PATTEN SMITH BRIDGE

AGAINST

JOHN SARSFIELD CASEY.

ON the motion of Mr. Sergeant Armstrong (with whom was Mr. P. O'Brien) of counsel for the said Patten Smith Bridge, and on reading the affidavits of the said Patten Smith Bridge, Patrick Kelly, Edward Green Foley, Joseph James Walker and Nathaniel Buckley, the article, letter or writing in said affidavits referred to in the newspaper called the *Cork Examiner*, under date of and dated "Thursday morning, April 13, 1876"; exhibit "A" verified by the affidavit of the said Patten Smith Bridge, headed and designated "The Recent Agrarian Outrage," commencing "From time immemorial," and ending and subscribed with the words and name "J. S. Casey"; the letter or exhibit marked "D," of "May 13, 1876," signed "J. S. Casey," referred to and verified by the said affidavits of the said Patten Smith Bridge and Edward Green Foley, the article, letter or writing in said affidavits referred to in the newspaper called the *Freeman's Journal and Daily Commercial Advertiser*, under date of and dated "Dublin, Thursday, April 27, 1876," headed and designated "The late Outrage near Mitchelstown." "To the Editor of the *Freeman's Journal*, Mitchelstown, April 24th." Commencing with the words "Sir—Through the kindness of a reverend friend," and ending and subscribed with the words and name "J. S. Casey."

It is ordered by the Court that a Criminal Information or Informations be at the instance of the said Patten Smith Bridge exhibited against him, the said John Sarsfield Casey, for certain misdemeanours in composing, writing, uttering, printing

and publishing, and in causing and procuring to be composed, written, uttered, printed and published of and concerning the said Patten Smith Bridge, and of and concerning him, the said Patten Smith Bridge, in his business or employment of land agent, and in his business or employment of agent and resident agent over the property of the said Nathaniel Buckley, the false, scandalous, defamatory and malicious libels contained and being in the said article, letter or writing in the said newspaper called the *Cork Examiner*, under date of and dated "Thursday morning, April 13, 1876," as aforesaid, and contained and being in the said article, letter or writing in the said newspaper called the *Freeman's Journal and Daily Commercial Advertiser*, under date of and dated "Dublin, Thursday, April 27, 1876," as aforesaid, unless cause shown to the contrary in six days after service of this Order on the said John Sarsfield Casey.

JOHN FOX GOODMAN, Clerk of the Crown.

ROBERT SARGINT.

QUEEN'S BENCH—CROWN SIDE.

FRIDAY, the 24th, and SATURDAY, the 25th day of November, 1876.

SATURDAY, the 16th, and TUESDAY, the 19th day of Dec., 1876.

THE QUEEN

AT THE

PROSECUTION OF PATTEN SMITH BRIDGE

AGAINST

JOHN SARSFIELD CASEY.

MR. I. BUTE, Q.C. (with whom were Mr. W. O'Brien, Q.C., and Mr. J. Roche), of counsel for the defendant, moves pursuant to notice in that behalf of the 13th November, 1876, "To show cause why the Conditional Order for a criminal information herein of the 25th May, 1876, should not be made absolute, and that the said order be discharged with costs."

Saturday, the 25th November—Mr. Sergeant Armstrong and Mr. W. C. Heron, Q.C. (with whom was Mr. P. O'Brien), of counsel for the prosecutor, heard in support of said Order, and pursuant to notice of the 21st November, 1876, moves "That the said Order be made absolute, with costs."

Saturday, the 16th December, 1876—Mr. Heron heard in continuation from the 25th November; Mr. O'Brien, Q.C., heard in reply. Whereupon, Tuesday, the 19th December, on reading the said Conditional Order, the affidavits in said Order mentioned of the prosecutor, Patrick Kelly, Edward Green Foley, Joseph James Walker, and Nathaniel Buckley, the article, letter, or writing in said affidavits referred to in the newspaper called the *Cork Examiner*, more fully described in the said Conditional Order, the letter or exhibit marked "B," referred to and verified by the said affidavits of the said Patten Smith Bridge and Edward Green Foley, the article, letter, or writing in said affidavits referred to in the newspaper called the *Freeman's Journal and Daily Commercial Advertiser*, more fully described in the said Conditional Order; the cause affidavits in behalf of the defendant mentioned in the schedule subjoined to his said notice of motion of himself, James Molan, Edmond Darney, John Slattery, Terence Murphy, Thomas Kearney, Michael Condon, Patrick Kiely, Patrick Lonergan, Denis Murphy, Philip

O'Neill, Thomas Hyland, Thomas Darney, Thomas Molan, Michael Regan, John Duggan, John Shaughnessy, Maurice Fitzgerald, James O'Neill, Johanna Fitzgerald, Michael O'Brien, John Shealy, Terence Murphy, Patrick Burke, John Casey, William Murphy, Patrick Carroll, James Maguire, John Carroll, Patrick Leonard, Patrick Mahony, Patrick Kearney, Cornelius Cull, Thomas Kelly, James Hennessy, William Fitzgerald, Michael Noonan, Patrick Russell, Thomas Keily, James Hennessy, and John Coughlan, Nicholas O'Brien, Michael O'Neill, John O'Brien, William Burke, William O'Brien; the further affidavits in behalf of the prosecutor mentioned in prosecutor's notice of motion by leave of the 4th November, 1876, of himself, Robert Sargent, Joseph J. Walker, and John Morrissey, filed the 21st November, and the affidavit of John M'Grath, filed the 24th November.

It is ordered that the cause shown be disallowed, and that the said Conditional Order be, and the same is hereby made absolute; and accordingly let a criminal information or informations be at the instance of the said Patten Smith Bridge exhibited against him, the said John Sarsfield Casey, for certain misdemeanours, in composing, writing, uttering, printing and publishing, and in causing and procuring to be composed, written, uttered, printed, and published of and concerning the said Patten Smith Bridge, and of and concerning him, the said Patten Smith Bridge in his business or employment of land agent, and in his business or employment of agent and resident agent over property of the said Nathaniel Buckley, the false, scandalous, defamatory and malicious libels contained and being in the said article, letter, or writing in the said newspaper called the *Cork Examiner*, under date of and dated "Thursday morning, April 13, 1876," as aforesaid, and contained and being in the said article, letter, or writing in the said newspaper called the *Freeman's Journal and Daily Commercial Advertiser*, under date of and dated "Dublin, Thursday, April 27, 1876," as aforesaid; and it is ordered that the supplemental affidavits hereinafter mentioned be not read—that is to say, the affidavit in behalf of the prosecutor, by leave of the 12th December, of William O'Neill, the affidavits in behalf of the defendant, by leave of the 15th December, of himself, Robert Barry Cronin, William Carroll and others, John Fitzgerald and Johanna Fitzgerald, Patrick Kiely, John Macnamara, Patrick Macnamara, James Maguire, Jeremiah Mahony, Michael Mullins, Michael O'Brien, Thomas O'Mahony, John Shaughnessy, and Margaret Shaughnessy.

JOHN FOX GOODMAN, Clerk of the Crown.

R. B. CRONIN, for Defendant; ROBERT SARGINT, for Prosecutor.

QUEEN'S BENCH.

—:O:—

THE MITCHELSTOWN CASE.

—:O:—

MR. J. S. CASEY & MR. PATTEN SMITH BRIDGE.



IN the Court of Queen's Bench Friday, November 24th, Messrs. Isaac Butt, Q.C., M.P.; William O'Brien, Q.C.; and John Roche, instructed by Mr. R. B. Cronin, appeared on behalf of Mr. John Sarsfield Casey, of Mitchelstown, to show cause against a conditional order for criminal information sought against him by Mr. Patten Smith Bridge for a letter written by Mr. Casey to the *Cork Examiner* and *Freeman's Journal*, reflecting on the management by Mr. Bridge of the Buckley estates in Cork and Tipperary. Sergeant Armstrong, Mr. D. C. Heron, Q.C., and Mr. Peter O'Brien, instructed by Mr. Sargent, of Cahir, appeared in support of the conditional order. The Court was filled with members of the bar, and the gallery crowded with the general public. After a preliminary discussion with regard to some supplementary affidavits.

Mr. Butt said their lordships knew that the conditional order had been obtained against the defendant to file a criminal information for two letters which appeared, one in the *Cork Examiner*, the other subsequently in the *Freeman's Journal*. It had been obtained at the instance of Mr. Patten Smith Bridge, who was agent over the estates of Mr. Buckley, on the borders of Cork, Tipperary, and Waterford; and the letters complained of were strictures on Mr. Bridge's management of that estate. Now it might be convenient, in the first instance, to state generally some facts which were undisputed. This property, which was situated partly on the sides of the Galtees and partly in a plain at the foot of the Galtees, was a portion of the estate of the Earls of Kingston, and a good many years ago it passed into the management of Mr. John Sadlier. It appeared also that

Mr. Bridge then first became connected with the property. Subsequently, it came under the control of the Court of Chancery, and Mr. Massey was appointed Receiver, and in 1852, this estate was sold in the Encumbered Estates' Court. It was purchased by an English Company, the Land Company of Ireland, and they held it until 1873. In 1873, it was sold to a gentleman of high position, a gentleman who had been a member of Parliament for one of the great constituencies of England, Mr. Nathaniel Buckley, who was stated to be one of the principal members of the company. The rents had been left undisturbed for a very considerable period, and one of the points made on the opposite side was that the rents were made at such an ancient period that they were now no test of the value of the property. While it was under Mr. Sadlier and the Court of Chancery no attempt was made to raise the rents. When Mr. Buckley bought the property in 1863, the first step taken was to bring a Mr. Walker from the Queen's County to value the estate and raise the rents. Unhappily in consequence of this, an attempt was made by a man named Ryan, one of the tenants, upon Mr. Bridge's life. That attempt was unsuccessful, but Mr. Bridge was wounded, for which he got compensation at the Limerick Assizes. That attempt was made on March 23rd, 1875, and Mr. Bridge said that Ryan was the only one of the tenants who was then discontented. Unhappily on March 30th, 1876, a second attempt was made on the life of Mr. Bridge, and that ended very lamentably in the death of the driver who was driving the car, for whom, of course, the shot was not intended, and Mr. Bridge escaped again with very severe wounds. That attempt upon Mr. Bridge's life created a great sensation through the whole of the United Kingdom. It was a subject of discussion in Parliament. It was a subject of discussion in most of the journals of England and Ireland, and the question naturally arose, what had provoked such a disturbed state of things in this district. Then it was that Mr. Casey, who was the son of a shopkeeper in the adjoining town of Mitchelstown, wrote the first letter to the *Cork Examiner*, which was the subject of this prosecution. After that letter appeared a Mr. Smith, a relative of Mr. Bridge's, wrote a letter to the *Freeman's Journal*, defending Mr. Bridge's conduct, and a letter also appeared from Mr. Sargent, his attorney, to the same effect. He (Mr. Butt) did not know whether their lordships would hold that a party, who once appealed to the press, had no right to come there for a criminal information. Mr. Bridge was lying ill, and he had sworn the letters were written without his authority, and counsel did not rely upon that, except as they drew out the second letter from Mr. Casey, which appeared in the *Freeman's Journal* a short time afterwards. He would shortly state the grounds upon

which he intended to ask their Lordships not to make absolute the conditional order. He said, first, that they were not malicious libels upon which a jury ought to convict, but merely fair and legitimate comment upon matters of public interest. Secondly, that Mr. Bridge did not come into court with clean hands, his conduct to the tenantry having been oppressive. Thirdly, that he had not stated his case with the frankness that the court always looked for from a party seeking such an extraordinary interposition. And, lastly, that if this went to a jury, their lordships would not hold that a jury would not find the facts stated to be true, and for the public interest. He would now ask their attention to the article which appeared in the *Cork Examiner*, April 13th. The Editor began by saying—"A correspondent has sent us some details respecting the condition of the augmentation of rent, which it is believed have either directly or indirectly led to the fearful occurrence which has been of late so much in men's mouths. Mr. Casey, in a private note, writes to us:—'I have taken great pains in making the necessary enquiries into the rents, and I can guarantee that every statement I have made is correct.'"

Sergeant Armstrong hoped Mr. Butt would read the whole of the letters.

Mr. Butt said he intended to do so. All he purposed to leave out was a romantic description of the Galtee mountains.

Sergeant Armstrong—It is not a bit more romantic than the rest of the letters. (laughter).

Mr. Butt—Very well; it is exceedingly well written, and I'll read it. Counsel then read the letters on which the prosecution founded their application. Having referred to the previous owners of the estate, Mr. Casey wrote:—"In 1873, the Lord Chancellor dissolved, the estates were sold, and Mr. Nathaniel Buckley, of Ashton-under-Lyne, one of the wealthiest of the company, was declared purchaser, with Mr. Bridge as his agent." After a very striking description of the sterility of the mountain holdings and of the hardships they had to overcome, the letter said, "Yet in this and the surrounding districts the rent has been increased five hundred per cent. in many instances." This, counsel said, was the first statement affecting Mr. Bridge, and it was true—Mr. Bridge has admitted it to be true. "Ejectments," the letter continued, "has been served on fifty-three tenants. He will stand another shot or evict fifty-three families." It appeared that fifty-three notices to quit had been served, though no ejectments followed a great many of them, and Mr. Casey explained that it was perfectly notorious that when Mr. Bridge was remonstrated with about evicting these tenants, his answer was—"I will stand another shot or turn them out." The letter said—"Mr. Bridge, accompanied by a Mr. Walker, walked the

lands, and the result was that by one stroke of the pen the rents were raised from fifty to five hundred per cent.—when the poor people were expecting a reduction, the rent was trebled. Then followed a long list of the tenantry with the rises of rent. These figures were all admitted to be accurate. That was the whole of the letter, and he (Mr. Butt) would boldly say that, taking the facts, there was nothing in that letter which was not perfectly fair comment. Of course, it might be said that Mr. Bridge relied strongly on the fact that he was fired at before this letter was written, and it became of the utmost importance to the public to know what was the origin of this disturbance. Probably, in the history of the country, their lordships might remember that a Chief Secretary for Ireland, fifty years ago, had to declare that an insurrection which devastated the whole south of Ireland had all been caused by acts of oppression on the estate of one absentee. It was of great importance to have brought the perpetrators of this crime against Mr. Bridge to justice; but it was of just as much importance to the public to discover the real criminals, the persons who were answerable for this disturbance by their acts of oppression. Mr. Smith, who was an uncle of Mr. Bridge, wrote to the Editor of the *Freeman's Journal* on the same day that the letter appeared on the *Cork Examiner*, April 14, '76. In this letter he said, "I have been closely and intimately connected with Mr. Bridge from his earliest days, and bear testimony, as every person of every grade in society can, who has the pleasure of his acquaintance, that he is patient, considerate, and kind-hearted, conscientiously endeavouring to act upon and carry out the principle of 'live and let live' in his transactions with the tenants committed to his charge. There was but one case of ejection on the estate." Then there was an editorial comment in the *Freeman* on the letter, and appended there was a summary of the letter which Mr. Casey had written to the *Cork Examiner* on April 27th. Mr. Casey wrote to the *Freeman* a letter, in which he said Mr. Smith's letter was simply one of eulogy of Mr. Bridge, an *ex parte* statement, as if Mr. Bridge gave a character of himself. As far as he (Mr. Casey) could learn, Mr. Bridge's private character had not been assailed. It was a strange fact that of all Mr. Bridge's friends but two had written in favor of his action towards his tenantry—one his uncle and the other his solicitor. The letter then gave a description of the holdings and a list of the increase of rents. If, said Mr. Butt, persons were to be prevented making these comments, if there was to be a divinity to hedge a landlord far greater than hedged a king, there then was an end of free discussion. Then Mr. Bridge had made an affidavit in which he said, when Mr. Buckley bought the property he desired there should be a re-valuation, and previous to Mr. Walker entering upon the land,

he (Mr. Bridge) informed him in accordance with the instructions of Mr. Buckley, that the valuation was to be conducted on the principle of "live and let live," that whenever he found a farm improved he should give the tenants credit for their outlay and improvements, and in fixing a valuation he should not take into the valuation against the tenant the erection of farm buildings, a very important concession to these poor people on the top of the Galtees. When the tenants came and complained that the valuation was too high, Mr. Bridge never took the trouble of inquiring himself, but abided strictly by the valuation, and compelled the tenants to accept it under threat of eviction. Mr. Bridge further said, "the entire estates comprise 20,000 acres, and there are about 517 tenants, and the advance on the former rents made by Mr. Walker was under 20 per cent.," but many of the farms on that estate were held under leases, and the rents could not be raised on them. The 20 per cent. included the whole of the farm, and this was one of the things that counsel complained of as unfair in Mr. Bridge's affidavit. It was a sufficient consideration to entitle him to the interposition of the court, that Mr. Bridge should endeavour to escape from these charges by bringing in the entire estate as to a great portion of which no charge was made. Continuing his affidavit, Mr. Bridge said, "When I communicated to the tenants the rents that had been placed on their respective holdings, most of the tenants soon after agreed to pay the increased rent," and, he said, he believed they would have all been quite willing to pay were it not for the conduct of a man named Ryan. That man allowed his holding to be depreciated by bad farming. He refused to come to terms, and was to have been ejected on March 23rd, 1875, but on the previous evening he fired two shots at deponent, one of which took effect in his back. As compensation for this Mr. Bridge got £400 at Limerick Assizes, which was reduced by Mr. Justice O'Brien to £200. But Ryan's case was not at all brought forward by Mr. Casey. In 1873 and 1874 Mr. Bridge sent round private notices to each tenant, one of which he (Mr. Butt) would read. "Mr. James Magins, I beg to inform you that the rent of your farm in Carrigeer, which is now £3 8s. 8d., will be £10 5s. a year from the 25th of March next, out of which you will be allowed half the county cess when paying your rent. P. S. Bridge, agent for Mr. Buckley, M.P." This was dated January 21st, 1874. He had no more right to issue this notice than he had to do any other illegal act. Reading another notice to the tenants, counsel said it was perfectly plain these rents were extorted from them at the point of the bayonet or by something far more formidable to the Irish peasant—the threat of eviction. Mr. Bridge put in his affidavit statement which had nothing on earth to do with this case.

Mr. Casey had been for years living in a peaceable and orderly manner with his father in Mitchelstown. When he was a young man of seventeen or eighteen he became implicated in the Fenian conspiracy, and was tried at Cork before one of their lordships. He was sentenced to five years' penal servitude, and he underwent the sentence. Now, why was that introduced into Mr. Bridge's affidavit except to blacken and slander the character of Mr. Casey? He said Casey was popularly known as the "Galtee Boy." His being convicted had given him a certain popularity and served to attract the more marked attention of a certain class to everything he wrote. Mr. Bridge then referred to the letter written by Mr. Smith, which he said was written without his knowledge. There was only one tenant receiving outdoor relief. Counsel said it was a mere delusion on Mr. Bridge's part to say it was these temperate and mild letters of Casey which had excited prejudice against him. Mr. Bridge said, "I believe before the publication of these letters no one could be found to offer me insult or attempt my life, except Ryan or some one hired by him for the purpose." Yet he got compensation from the Grand Jury of Cork which he could not have got if they did not believe, and he did not prove that the people of the neighbourhood were withholding evidence. Mr. Bridge said he had received a number of threatening letters, one of which was "Bridge leave, leave, leave, or if you don't we'll face you and your body guard, in the face of God and man if it were in the chambers of Galtee Castle in the noonday, we will not leave until your body will be cold and your soul in hell with John Sadlier, your master. Hyland got the same warning and ridiculed it, let you ridicule it if you like, it is the last and if rejected will prove fatal—Your attempted assassin." Was it not childish that because a man got a threatening letter a criminal information was to be got against any man who temperately discussed his conduct?

Sergeant Armstrong handed Mr. Butt a bundle of threatening letters and notices.

Mr. Butt—I don't see any use in parading the blasphemous expressions before the Court, and the public must decide the information upon the character of Mr. Casey's letters alone. These threatening letters, I say, were produced by Mr. Bridge's conduct, for while human nature is human nature, no man will ever oppress a whole tenantry or people that he won't provoke crime; and, therefore, the greatest criminal is often not to be found in the hovel or on the mountain, but in the chambers of the castle.

Judge O'Brien interposed with a remark which was inaudible.

Mr. Butt—I say the man that becomes the exterminator of

the people creates the disturbances. The real criminal is the man who begun by acts of oppression to provoke the passions, and the natural passions of human nature. Mr. Bridge said there was no crushing increase of rents in any instance. As to the 52 notices to quit, the great majority—40—agreed to pay the increase, and it would be unfair to the rest to allow the factious motives of a small minority to prevail on the estate. He never spoke of the tenantry as a blackguard murderous set. The other affidavits on which the information was granted were Mr. Buckley's, who swore he believed Mr. Bridge dealt fairly by the tenants, and the affidavit of the person to whom Mr. Casey admitted he was the writer of the letters, and the affidavit of Mr. Walker that he valued the estate fairly to the best of his judgment.

After the adjournment for luncheon

Mr. Butt proceeded to deal with the affidavits—43 in number—which had been filed on behalf of the defendant. The first affidavit was that made by the defendant, in which he stated that he was the writer of the letters in question. He carried on the business of his father as an egg merchant and publican in Mitchelstown. Many of the tenants on the Buckley estate were customers of deponent's father, and some were relatives of his, and thus he had ample opportunity of becoming acquainted with the proceedings on the estate; and of his own personal knowledge he was aware that before the purchase of the estate a number of the tenants were in debt. The tenants were for the most part most industrious. The increased rents had created great dissatisfaction amongst the tenants. He honestly believed that the enormously increased rents exacted suddenly from the tenants, would drive many of them from their holdings. The affidavit then goes on to state that after the outrage on Mr. Bridge, he read in the public press certain articles and letters referring to the condition of the estate, and honestly believed that the writers were not accurately acquainted with the proceedings, and that the public were misled. Having specific knowledge of these facts, he felt it his duty to the public and the tenantry to counteract these misrepresentations, so injurious to he said tenantry. He swore that he wrote the same letter to the *Cork Examiner*, believing that the facts therein stated were true, and that it was for the benefit of the said tenantry and the public that these facts should be made known. He positively swore that he did not intend to excite any fresh outrage on Mr. Bridge, or to excite any feelings against him. He knew nothing of the circumstances under which Mr. Walker had made a valuation of the estate. He referred to a letter which he had in his possession at the time of writing the letter to the *Cork Examiner*, that the rent of the 180 tenants was before the increase £1,657,

and has increased to £2,789. The said list was a true copy of one given to him by the Rev. Wm. Burke, C.C., Ballyporeen. From this list and a series of conversations with the tenants themselves he wrote the letter. It was untrue that he misrepresented any of the facts, and it would appear that there were many more striking instances of increase than he had mentioned. He also refers to the fact that a representation exists among persons on the Kingston estate, on which Mr. Bridge was formerly agent, that he is a person disposed unduly to increase rents. He had no knowledge whatever of the tenant Ryan, nor did he mention his name in any of his letters. Deponent admitted that in the year '65 he was tried and convicted for Fenianism, and that he was sentenced to penal servitude for five years. He was then a mere youth and not more than eighteen years of age. Mr. Butt said that there was not the slightest reason for the plaintiff bringing into the case the statement that Casey was convicted for Fenianism. Deponent's counsel then referred in his affidavit to an article in the *Constitution* which stated that it is a fact that farmers on the Buckley estate had to seek outdoor relief to enable them to support their families with the merest necessities for supporting life, which corroborated the statement in deponent's letter. He further believed that in the month of March, 1876, a memorial was sent to the Lord Lieutenant asking that a tax imposed upon some of the tenantry, in consequence of a body of police being stationed in Galtee Castle, should be remitted. He was further aware that his Excellency remitted the tax. Deponent admitted that he was in mistake in said letter to the *Cork Examiner* in stating that fifty-three ejectments had been served. Some of the tenants spoke of notices to quit and ejectments, a similar mistake in the *Cork Herald*. In a subsequent letter to the *Freeman's Journal* and *Irish Times* deponent corrected the same mistake, but deponent believed that at the said period there were twenty-four ejectments pending for the Clonmel Sessions. It was a fact that while the Kingston estate were in the hands of Messrs. Eyre and Co., mortgagees, and Mr. John Sadlier as their manager, the said Mr. Bridge was promoted by Mr. John Sadlier from being an officer in the Tipperary Joint Stock Bank to be agent for the said mortgagees; that it is untrue, as stated in Mr. Bridge's affidavit, that the tenants there considered him a fair and considerate agent, for deponent has heard from tenants on that estate that Mr. Bridge was considered a harsh and exacting agent. The affidavits then went on to state that respondent knew nothing whatever of the alleged threatening letters referred to in plaintiff's affidavit, and the statements that he (deponent) made speeches of a defamatory nature to the tenants is destitute of foundation. By writing the letters his object was to bring public opinion to bear on the

management of the estate that a fair settlement might be obtained by the tenants, and to correct misrepresentations which had been reported in the newspapers in reference to the tenants. Deponent was informed by Dr. O'Neill after Mr. Bridge was shot that Mr. Bridge stated that he would stand another shot or evict the tenants unless they paid increased rents. He (deponent) introduced his statement into the letter solely as quoting from Mr. Bridge. It is true that he said that the tenants live on the humblest fare, that the shopkeepers in Mitchelstown have civil bill decrees against a number of the tenantry, that tenants whose rents were increased from 1s. to 20s. were the occupiers of hovels built of mud. Counsel then dwelt in detail with the 43 other affidavits of the tenantry on the Buckley Estate. James Morgan in his affidavit declared that his rent was raised from £20 7s. 6d. to £26 7s. 6d. He said he was not satisfied to pay increased rent, because he could not afford it. He reclaimed a portion of the land. The crop which was sown was useless. The potatoes are very bad, totally unfit for food. We have not had for the last fifteen years sufficient potatoes. The potatoes that grow on this land were so bad that he sold them and bought new ones with the proceeds for their own use. Edmond Darney, of Colegarraanroe, had his rent raised from £2 6s. to £4 6s. Seeing no alternative before him but the poorhouse he paid the rent, firmly believing that the land was not worth it. He borrowed the rent. He must live on Indian meal for a greater part of the year, and buy that on credit. He reclaimed the lands. Three of his children had to go to hospital, and his wife died there. John Slattery, of Kiltankin, in his affidavit, stated that he held about 33 acres since 1852. He reclaimed a great portion of the land. The old rent was £20 17s. 6d., and the increased rent £30 5s. Did not settle with the agent, for he believes he would not be able to pay it and support his family. The greater part of the value of the land was due to his constant labour for years. Terence Murphy, of Cahergull, held 13½ acres; land so bad that he is obliged to rent a garden to grow sufficient food for himself and family. When he sows oats he must reap it when it is green, as the ear never fills or ripens, and it is only fit for feeding cattle. All my father's family had through necessity to emigrate. His rent had been raised from £3 5s. to £7 7s. 9d. He has not yet settled with the agent. His family had reclaimed the land. Should the new rent be enforced he and his family would be driven out of the farm and be ruined. Walker said he had been charged for four and a-half acres more than he had. Bridge's had discovered this and offered a reduction of 12s. 9d. Thomas Kearney, of Coolagarranroe, holds a farm of eighty plantation acres. When his father took the land fifty years ago it was a barren waste, all

heath and stones. They reclaimed it by carrying manure and lime on their own backs up the mountain where the farm lay. The potatoes are bad in quality and not fit for food. The former rent was £5 12s. 6d., and the increased rent £17 10s. Did not settle yet with Mr. Bridges. For nine months of the year he has to live on Indian meal. None of his family ever eat meat, and in spite of their continued toil they are in debt, and have been forced to pawn their necessary clothing. Michael Condon, Kiltankin, deposed on affidavit that his land was so bad that he was never able to grow sufficient potatoes for his family. The former rent was £29 18s. 8d.; the increased rent £37. Has not agreed to settle, and if forced to submit by ejectment, it will be because he has no choice between submission and the poor-house. Patrick Kiely, of Kiltankin, deposed that his forefathers were in the farm before him. The former rent was £12 8s., and the increased £20 10s. Bracken, Mr. Bridge's gamekeeper, generally shoots snipe on his holding. The land has decreased in value and he cannot get enough of potatoes out of the farm for his family. He knew that no tenant would willingly pay the increased rents if not for the conduct of tenants named Ryan. His father had turf on the farm, but now the farm was only an empty bog. Patrick Lonergan held at £3 8s. 10d., and was now asked to pay £8 15s., which he did not agree to. The snow remained on his holding when long melted in the valley. Three of his children had to emigrate to Queensland. He was seven miles from the nearest town, and there was not a house above him on the mountain. Eagles often took away his lambs there, and he could not afford to kill a hen, and seldom could he afford the luxury of one of their eggs. He must sell them to pay the rent. When a sheep died of sickness he eat the diseased carcass. The sheep were often lost in the snow, and then he eat mutton. He never yet got a process for debt, and he tried to struggle on. Denis Murphy's rent was increased from £3 7s 6d to £6 15s. Philip O'Neill's increased from £7 15s 4d to £15 5s. Thomas Hyland had 40 acres at the rent of £5. It was situated 2,200 feet above the sea level. Mr. Bridge said he must now pay £10 10s. The farm was wild and bleak as a mountain left to nature. Mr. Bridge said of it, "This farm has been held at half its value for years. The increased rent was fair and reasonable." Michael Regan held 74 acres. When his father took it 53 years ago it was nothing but a tract of brown heath, covered with stones, rocks, and huge boulders. The rent was £5 9s 6d, and the rent now demanded was £15 6s 6d. He believed he could not pay the rent. He had twelve in family. Mr. Bridge's remark on it was, "A well-circumstanced farm, a fair rent, and occupied by a tenant for a long period at far under value." Timothy Duggan held thirteen acres at £2 12s, which

had been increased to £6 1s 6d. He had worked hard, draining the farm, and when the bailiff came to demand possession he was so heartbroken that he burst into tears. Mr. Bridge said, "A cheap farm at increased rent." John Shaughnessy held 44 acres, which he reclaimed. The former rent was £7, the new rent £12. He and his family lived most of the year on Indian meal, unless when they picked up a dead hare or rabbit on the mountain side. He at first refused to pay the increased rent, but being advanced in years afterwards agreed, and had to sell one of his two cows to make up the rent demanded. Counsel read a great many affidavits of tenants disclosing the same condition of affairs. Mr. James Hennessy, a Poor Law Guardian of Ballylanders, made an affidavit, in which he said Mr. Casey's description of the estate was true and accurate, and the wretched condition of many of the tenants on the said lands was in no way exaggerated. In his supplementary affidavit Mr. Bridge said Mr. Hennessy lived at Ballylanders, and he had reason to believe the guns used to fire at him came from Ballylanders. He did not, however, mean to insinuate that Mr. Hennessy gave the gun, but that Mr. Hennessy was so prejudiced as not to be a free witness. The Rev. William Burke, C.C., said he forwarded the list of the tenantry to Mr. Casey. The property was valued some twenty years ago by Mr. Massey and Mr. Bennett. One of the gentlemen said he could put no value on the mountain portion, the other put some nominal value on it. Mr. Butt said that all that had been said by Mr. Casey as to the general condition of the tenantry had been abundantly borne out by the evidence. Throughout Mr. Bridge's affidavits animus and ill-will against Casey were shown by his taking up the conviction against Casey, and he insinuated that Casey wanted to induce his tenantry to spend the money in his father's public house which Mr. Bridge wanted them to pay as rent. Mr. Bridge had received a great many threatening letters, lately one of them from America, and as he set out a great many of these threatening letters, counsel supposed he meant to say that these were caused by Mr. Casey's letters. When their Lordships read these two letters from beginning to end, taking all the facts into account, he did not think they could say there was any word in these letters that went beyond the limits of free discussion.

The Court adjourned the hearing of the motion until this morning.

Saturday, 25th November, 1876—Mr. Justice Barry asked for a copy of the memorial which had been presented to the Lord Lieutenant by some of the tenantry at Ballyporeen in reference to the police tax.

Sergeant Armstrong, in opening the case for the plaintiff, said the late hour at which and up to which his learned friend

Mr. Butt addressed them yesterday, and the labour necessarily involved in his opening, very fairly accounted for his not having opened some further affidavits which it was his duty to trouble their lordships with. But he confessed in a case of the sort, and constituted as the court was, at present, he deemed it of very little consequence who opened the affidavits or who began; the important matter was that they should be opened by somebody, and his learned friend suggested certain propositions savouring of a legal character at the threshold of his argument in which he (Sergeant Armstrong) could not concur. He said their lordships were called upon to pronounce that these letters were libels, and that the fact of making absolute the conditional order would be to announce that as the opinion of the court. He respectfully ventured to differ from Mr. Butt in that view. Their lordships were not about by any judgment to withdraw from the proper tribunal the determination of whether this was a libel or not. The question was, might they be regarded as libels upon a reasonable consideration of the circumstances under which they were produced and the terms of the letters themselves? The same observation applied to his learned friend's argument, that forsooth their lordships making absolute this order would amount to a declaration on the part of the court that these letters were not a fair comment on matters of public interest. He (counsel) ventured to deny that *in toto*. That was another matter for the consideration of a jury. But upon the other hand what his learned friend called upon them to do was to declare by refusing to make absolute the conditional order that there was no fair question to try, that these were not libels, and that they were fair comments. Their lordships neither could, nor, he hoped, would do this. His learned friend argued that there was nothing malicious in these letters; that again was begging a question proper for the jury. He need not refer their lordships to the doctrine, trite and common, that the intentions and the malice were to be inferred from the act, and they could not allow a jury nor themselves to speculate as to motives apart from the manifest tendency of the articles themselves. Their lordships, he was sure, had an adequate conception of the drift of these letters. They commenced by an elaborate eulogy upon a former agent of the estate, Mr. Massey, who was receiver under the Court of Chancery some quarter of a century ago, followed up by a glowing eulogy upon Mr. Brogden, who was for a time agent while the Land Company were owners of the property. This was artfully introduced for the sake of contrast. "Look on this picture and on this." The object was, by illuminating the career of those two worthy gentlemen, to blacken to the last degree as far as colouring could do it the reputation and character of Mr. Bridge. What led Casey into the arena at all? He said some

of the tenants were relatives of his, and that he took a general public interest in the question. Then Mr. Butt said that Mr. Bridge did not come into court with clean hands. That was a very sweeping assertion. He (Mr. Butt) suggested that the prosecutor had shown an unbecoming animus in referring to Casey's conviction for Fenianism. That was a most proper and legitimate matter to introduce, for this reason—it might be asked in the absence of explanation, "Who is Casey? What obscure individual is this against whose tirades it is necessary to take action?" He was described as being a convicted Fenian, whom everybody knew ranked more or less among the noble army of martyrs in the eyes of a great many people; and they (the prosecution) swore in consequence of his position, his writings, and sayings attracted the attention of the masses of the peasantry and people of the neighbourhood, in which he was known. He (counsel) might just as well be told that the men connected with the Manchester massacre were not in popular memory among certain classes, as to be told that it was not a matter for consideration that the man connected with Fenianism made an attack on the landlord class. What was the drift of these letters? That Mr. Bridge made the misery and poverty depicted in these rhapsodical productions. For they were mere rhapsodies—the vast tracts of moor and mountain, the elevation above the sea, the valley stretching away into infinite morasses, houses perched upon cliffs—that was the style of exaggeration—the only course to which was through the dried up channels of rivers, which in the winter months rolled in torrents towards the sea. The most ridiculous, inflated, bombastic, absurd exaggeration permeated and distinguished the whole of this composition. And their lordships, when they came to see the style of some threatening letters which it would be his duty to open to them—some from America, some from Skibbereen, and other places, referring to these very letters of Casey's and threatening Mr. Bridge in reference to Casey's productions—they would not have a doubt as to the tendency of these letters, and the effect that they were calculated to create upon the minds of ignorant and inflammatory people. Now, his learned friend, Mr. Butt, had been good enough to supply him with a couple of innuendoes which he thought it would be his painful duty hereafter to superintend in some shape or another the introduction of into the criminal information which would be granted. For he (Mr. Butt) said this; and if Mr. Butt, with his position and surroundings, and admitted the following, used language of this sort, referring to these productions and their tendency, and their object, what was to be expected in the green tree, if this was done by the seasoned and dried and wise advocate? Mr. Butt said "These letters were provoked by Bridge's own conduct, for as long as human

nature is human nature the man who began to exterminate people and drove them on by acts of oppression was the real criminal. "It was important," said his learned friend, "to the public to bring the assailants of Mr. Bridge to justice, but it was just as important to discover the real criminals." The persons who were responsible for these acts by their oppression were to be found in castles rather than in cabins. Mr. Bridge resided in Galtee Castle, as they all knew. These were the innuendoes of his learned friend; and could any man of common sense doubt that they were very rational, very reasonable, and did not at all transcend the fair drift and meaning of the originals. What was the drift of all these letters? That, forsooth. Mr. Bridge made all this misery; that they were a happy, prosperous, thriving, contented people under the sway of the Court of Chancery twenty-five years ago; under Brogden the rents were not in any serious way raised; but at one fell swoop Bridge took it into his head to have a revaluation and to raise the rents. This ruthless oppressor walked with the valuator from farm to farm, so that in fact, while there was a colourable valuation, Bridge himself was the real oppressor, knowing quite well the inability of these tenants to pay the rents. Well, if all that were true, it could not be stated to this court; but it would be said to a jury hereafter. And he (counsel) would have no scruple in telling Mr. Bridge his own private opinion as to the success of the prosecution. But that was not the question—when Mr. Butt announced it much more strongly and with more thunder than he presumed to do here—when he said "presumed," counsel meant that he did it—not retracting a word on the suggestion of one of their lordships. If Mr. Butt did that here what would he not do before the irresponsible palladium who were to decide upon the case! In the first place Mr. Butt said triumphantly, "Who is Mr. Walker? we never could know who Mr. Walker is." Then he said, "If Mr. Buckley, being a member of the county, knew he was buying the lands at much under their value, he was guilty of fraud upon his co-proprietors." That (said Sergeant Armstrong) was a new equity for murder. It was a monstrous position, and a monstrous remark, with the greatest respect to Mr. Butt. Counsel then read the portion of Mr. Bridge's affidavit which related to the appointment of Mr. Walker as valuator, and the instructions given him.

Judge Barry referred to the statement of Mr. Bridge that the increase on the estate was only 20 per cent., and said he understood that that was the increase on the whole 520 tenants.

Sergeant Armstrong said it could only refer to the yearly tenants, for he valued no others.

Judge O'Brien said he took a similar view to that taken by Judge Barry.

Sergeant Armstrong—It certainly is not the fact.

Judge Barry said it appeared on the rental that there were in some cases an increase of 1,200 per cent., and it was not disputed.

Sergeant Armstrong said that might be where a tenant who held at the nominal rent of 1s. was increased to £1, but their lordships did not sit there as a court of inquiry.

Judge O'Brien—It appears to me that on the whole the increases were considerably more than 20 per cent.

Sergeant Armstrong read the affidavit of Mr. Joseph J. Walker, J.P., of Shinrone, Queen's County, as to the valuation. He was three weeks at it, and he commenced it with the understanding that he was not to take into account any improvements made by the tenants against themselves. Their lordships had been treated to an account of a valuation by two farmers from the district on which the tax for this outrage was levied, and they said that in one day they valued the 4,000 acres of land. Mr. Walker said Mr. Bridge never accompanied him on the land, and the increase on the entire valuation was under 20 per cent., taking into account that half the county cess was paid by the landlord. "Never did he fix the valuation of any estate with a greater regard to the tenants' interest than in this case." Then his learned friend, with great facility, said, "These letters charged Mr. Bridge"—and so they did—"with having increased the rents 500 per cent., and that was admitted." These glib statements would be all very well before a jury, for if Mr. Butt once stated that to a jury they would never get it out of their heads, and he would do so.

Judge O'Brien—He only stated that in reference to a part of the estate.

Sergeant Armstrong said the letters did not make any distinction. Anyone reading the libel would suppose 500 per cent. was the increase upon the whole estate. Then Mr. Casey in his affidavit showing cause said, "I am a total stranger to the circumstances under which the valuation was made." That was a pretty excuse for vilifying Mr. Bridge. The drift of these letters was to charge that Mr. Bridge personally, well knowing the impoverished state of the tenants, suggested a valuation, and himself made it; and afterwards by attempted extortion, and, to use Mr. Butt's words, "at the point of the bayonet" endeavoured to get these rents. There was an observation in one of these letters admitted to be false—"fifty-three ejectments have been served." These letters meant "he got what he deserved—he deserved to be shot; they missed him hitherto twice, but the third time is the charm, and execution ought to be done upon this criminal who lives in the castle rather than the cabin." That was the meaning, avowed as the

meaning. No man would more reprobate the sentiments of course than his learned friend. When was this libel published? While Mr. Bridge was lying, he might say, weltering, in his blood, unable to be spoken to upon any sort of business. Mr. Smith wrote a letter which was about as unprovoking a letter as any relative could write about his neighbour. He knew that Mr. Bridge could not defend himself, and it amounted in general terms to a refutation of the charges of harshness and oppression which he understood to be made against his nephew. Mr. Sargint also wrote a letter, and the idea of imputing by it an attack upon the tenantry of the estate was simply ridiculous. Casey rushed into print again, reiterating even worse things. Now, the county Cork jury in fixing the compensation had not thrown a penny on the Buckley estate, and it was not believed by Mr. Bridge that the tenantry had any ill will against him, but, that Ryan, who fired at him, and who had been treated with the utmost liberality, was the cause of this *quasi* rebellion on the property, which was fomented by Casey. Thank God they were not before a jury at present! Again, for Mr. Butt's law. He said Mr. Bridge was not assailed in his private character but only in his public. If a man had two bodies, and if he could be murdered in his public capacity, while his life was preserved in his private character, he (Sergeant Armstrong) could understand it; otherwise it was perfectly immaterial to him whether he was murdered on public or private grounds. Mr. Butt said he was a tyrant and heartless. Mr. Butt said that, knowing that every word of his was published, and that people hung on every word of his mouth, and people might hang on account of them. Mr. Butt said yesterday, and he would say to a jury again if it were necessary, Mr. Casey acted in the fairest way—he afforded Mr. Bridge every opportunity of explanation. Mr. Bridge was shot down, lying on his back, attended by surgeons, who believed him, perhaps, fatally wounded—within a fortnight a second letter appeared, and this was what was called affording him every opportunity of explanation and reply! Would any man of common sense recommend Mr. Bridge to get into a newspaper war on this subject, or passing by such a vain attempt, resort to this court for prompt and immediate protection? Counsel thought the man would be wanting in common sense who advised Mr. Bridge to get into a newspaper war, with the *Cork Examiner*, *Cork Herald*, *Freeman's Journal*, and thirty or forty other papers, hounding him down for peculiarity sake; his carrying on a battle with them would be ridiculous. Mr. Bridge's life had been threatened. Threatening letters had come from America threatening to put Casey in his heart in the shape of a bullet. A threatening letter from Skibbereen said that a French sailor had told the writer of an invention resembling the way in which Hell

Gate was blown up at New York, and by which Bridge and his castle of peelers would be blown into the elements and referring to Casey's letters. These documents demonstrated the tendency of these letters and how they were understood by the common people. Were the court to be asked to pronounce that there was never to be a revaluation of an estate? As to the animus prompting this man; in his letter there was in inverted commas a passage intended to represent, of course, a quotation; after he had stated a downright and wilful falsehood, that there were fifty-three ejectments. What would people say—"Bridge will be shot, and he deserves it. My God, fifty-three ejectments! No wonder the country is in the state it is?" Now, on the whole estate up to that time there had been just two ejectments. One was the case of Ryan, who was offered a large sum for his interest—a broken down tenant who would do nothing. The only other case was that of a squatter under a man named Noonan. He would neither pay rent to Noonan nor Buckley; he was offered £12 to give up possession, but he point blank refused. Now what would anybody do? Counsel did not understand an *imperium in imperio*; that would be, indeed, rooting him in the soil. And this was the second instance of ejectment! Sergeant Armstrong then proceeded to refer to the affidavits of the tenants. There were poor people on the mountains, and they must be there and always would be there. "The poor we shall always have with us." Mr. Bridge had filed affidavits in reply, in which he said that the description given by Casey of the poverty of the tenants and the character of the houses in which they resided was wholly distorted and false. In Ireland we were pretty well up to these invectives, but what would an Englishman think when he listened to this description:—"Many of the cabins are on cliffs, accessible only through the exhausted channels of a river, which during the winter months pours torrents to the sea?" How did they get up there in winter then? This would be laughable if it were not mischievous. "The said tenants as a class, are a well-to-do, thrifty, comfortable body; there are 517 of them." Perhaps if they took any estate in Ireland—he did not mean rich pasture lands, but any mountain district, they would find among 517 tenants that the number of those who lived on Indian meal would probably be more than 35. There were places in Ireland that, while the tenant was cutting nettles to put in the pot with the potatoes, the towers of £20,000 a year glistened in the distance. They must all regret this, but it was not a thing to be hurled at Mr. Bridge's head. With reference to the tenant David Murphy, Mr. Bridge said:—"I admit he has not been as well to do as he ought have been, but it is altogether owing to his own habits of intemperance, and I positively assert since his rent has been increased by Mr. Walker,

he and his wife have reformed their habits of life, have given up frequenting public-houses, and have become more comfortable in condition." It was represented that a great number of the tenants received Poor-law relief. It might be that some of them got medical relief from the doctor, but very comfortable farmers very readily avail themselves of these advantages, and it was no reflection upon their respectability. Except one man of the name of King, a tenant at 1s. a year, there never was a tenant on the estate getting Poor-law relief in the sense imputed in the letter, as paupers. It was a monstrous thing to assert it and to endeavour to bolster it up by this humbug of a memorial. The memorial was got up by nineteen persons, tenants on the estate, upon whom a tax had been cast by the Lord Lieutenant in reference to police protection. It stated all the memorialists except nine were receiving Poor-law relief, and this memorial purported to be verified by Relieving Officer Morrissey. That forgery was palmed off upon the Executive of Ireland, and his Grace was induced to act upon that lying representation. Mr. Butt had not informed the Court that Morrissey made a positive affidavit that he never signed it, and there was the affected signature of a doctor who never signed it. There was no doctor's certificate at all, but at the foot of the memorial was a prepared certificate unsigned. Morrissey swore a man named M'Craith asked him to sign it, but he refused as the memorial was untrue. This was to bolster up the primary case. He (Sergeant Armstrong) knew Casey was not relying upon anything that would be done here, but there was another place to which the case might go, and he relied upon impunity there, in the state of the country—what was called the public interest taken, and that sort of talk. And his learned friend's, he might say, omnipotence amongst the people of Ireland—which no man conceded to him more freely than he did, and he wished him joy of his position, it was a grand position in some senses—it was upon that influence that Casey relied, and he looked to the ultimate result as one certain to be attended with impunity. That was the morality upon which the case was conducted. With the greatest respect, it was a strange thing for the Executive to act upon this *ex parte* representation without some little inquiry, and there never could have been any.

Judge O'Brien remarked that the relieving officer's certificate on the memorial was signed by Mr. M'Craith.

Judge Barry—It is signed "H. M'Craith," and it purports to be signed by the relieving officer.

Mr. W. O'Brien, Q.C., said M'Craith appeared to be some sub-relieving officer.

Sergeant Armstrong said there was no such statement in the affidavit. Resuming Mr. Bridge's affidavit, he said "The

statements made as to the tenant's improvements are the very grossest exaggerations. Improvements to a moderate extent were, I admit, made in some instances, but I positively state in each case the fact was taken into consideration by Mr. Walker, in valuing the farm and fixing the rents." Mr. Bridge referred in detail to the case of each tenant, mostly contradicting or explaining the statements in their affidavits. The case of John O'Shaughnessy, counsel said, was made a very grave charge in these pernicious, murderous libels—that it was said to this poor man "Is it not the rent but the farm I want." O'Shaughnessy was a very improvident man, and when he tendered the rent, Mr. Bridge refused to receive it, on account of the wretched state to which the farm was reduced, and his inability to work it. O'Shaughnessy then introduced his second son, and stated that he would remain on the farm and work it. On the faith of that Mr. Bridge accepted the rent, and allowed him to stay on the land. What would any man suppose, to read this false and unreasonable libel, but that the poor man tendered his rent, and was met by a surly and tyrannical answer? Reading this libel, poor common fellows would at once say—"He would not take the rent, would he not; begor I'll give him something else then." Landlords had some rights until they came before a jury, and agents had some duties. The meaning of all these libels was "This man brought his attempted assassination upon himself. He deserved it. I will show he deserved it, and I will leave it to those who are interested in the matter to consummate what they have begun." With regard to Johanna Fitzgerald, who made an affidavit, her husband had returned from England and paid up the increased rent; he expressed his indignation to Mr. Bridge at his wife having been induced by J. S. Casey and his friends to make this affidavit. Of Patrick Kearney Mr. Bridge said he admitted he was an improving tenant, but the description of his improvements and reclamations was grossly exaggerated, and had been invented for him, he had no doubt.

Mr. Roche—That is a scandalous imputation.

Sergeant Armstrong said, no doubt it was invented for him in Casey's publichouse, or elsewhere. He (counsel) had wondered often if there was an action of invisible spirits on behalf of truth, that the top was not often blown off the courthouse. Mr. Bridge said he had no recollection of any statement made by the chairman at Clonmel sessions in an ejectment against a man named Casey. The ejectment was not dismissed, but nilled on a technical point. The affidavit of John O'Brien was a tissue of contemptible falsehoods. He appeared to have been an indoor servant in Galtee Castle. Mr. Bridge said until Ryan's attempt upon him, he never was insulted by a single tenant upon any estate. This fellow, O'Brien, got up a distinguishing story that

Bridge told him he received a threatening letter, that he was afraid to walk through the Castle after that, and did not go to bed with a candle lighted, and had access to his bedroom marked by a footmat in the corridor, which, while groping along, he found by striking his foot against.

After the adjournment, on resuming,

Judge Barry announced that the court would sit *in banco* again on Monday to continue this case.

Sergeant Armstrong said there was a passage in the libel to which he wished to advert and be done with it—"He would stand another shot rather than not evict the 53 tenants." That was preceded by a statement, admitted to be false, that there were 53 ejectments pending. Mr. Bridge, upon reading that quotation, could not very well know what it pointed to, and in his replying affidavit he said nothing about it. Casey said he used that language to Dr. O'Neill. Dr. O'Neill made no affidavit whatever, and Mr. Butt had read to them the affidavit of Mr. Bridge, which counsel thought a perfectly natural and reasonable one. Mr. Bridge stated he was in pain and suffering, but he had no recollection what he said; but if he spoke at all, it was that he would not be deterred from doing his duty by the dread of assassins. But to say, "I will stand another shot rather than not evict these 53 families," was a monstrous perversion of the truth. He would pass no remark on Dr. O'Neill; he had blabbed out what passed in a conversation with a suffering patient, and they had Mr. Bridge's explanation of them. Although Mr. Bridge did not make that a gravamen of complaint in his charging affidavit, this man raked it up in his further affidavit, and relied upon it on the authority of Dr. O'Neill, who made no affidavit. Now, to tell him (counsel) that there was no evidence of malice in the case, if he were addressing a fair jury, if there was such a thing to be found in a case of this sort under the influence of Mr. Butt, he would insist that that was about the most convincing evidence of malice that could be suggested. He left that now to the better judgment of the court. The Rev. Mr. Burke deposed that he heard a valuation was made under the Court of Chancery, and that one of the valuers said he could not put any value on the land, but a tenant named Kiely had sworn that they fixed the rents as they were until Walker's valuation. Imagine what would be said about Bridge in the publichouse at Mitchelstown, "Oh, he is a bad member;" then there would be a meeting held, and it was taken into consideration, and the lodge sat and the edict went forth. It was a monstrous thing, then, of course, to suggest that there was any villany in the country, and very hurtful to the feelings of the people. It was stated that Mr. Bridge suppressed from the court that he had issued fifty notices to quit. He denied that, for he had stated

he issued fifty notices to quit, and he also admitted he served 100, that it was to bring the tenants to terms, and it would not be requisite to proceed on the notices to quit were it not for the spirit of resistance provoked by Casey. He admitted there were 24 ejectments now pending at Clonmel Sessions, and he said all these were defended by the same attorney who was defending Casey, who had been specially retained out of his own county and district. Mr. Casey had sworn that he only wrote these letters in the public interest. What a philanthropist!—what a patriot Casey was! The fact was, he did this to curry favour among a party with whom he was identified in the worst way! Mr. Bridge said about it—“I have no doubt he was actuated by the belief that he would increase his father’s business as a publican and promote his own interest by gratuitously making himself the champion, and thereby his father’s public-house the resort of those who pretend to be aggrieved.” That was a very fair answer. Mr. Butt said these libels could not prejudice this man, because he had been prejudiced before; yet these frightful threatening letters had been the result, so that Mr. Bridge lived latterly the life of a hunted hare, on constant watch. If prejudice did exist against him before, a charitable and good man should be the less inclined to foment and aggravate that prejudice. Mr. Bridge swore he believed that “Any person who assassinates me would be regarded in the district around Mitchelstown as a sort of public hero.” Casey has gone through the tenantry exciting them to resistance and representing Mr. Bridge as a tyrant. Counsel then submitted that the tendency of these libels was to excite a feeling of resentment amongst the people, which was manifested by the frightful threatening letters, ten of which had been received by Mr. Bridge. He contended that these letters were written by some persons who thoroughly knew the drift of Casey’s libels and put their own interpretation upon them, very much as was done by his learned friend Mr. Butt, who said that the man who was an exterminator and a tyrant, living in a castle, was the author and source of all this disturbance. The first of these threatening letters had been read by Mr. Butt on the previous day. He would read the second one, which was dated the 31st of May, and posted in Dublin. It was as follows:—

SIR—You for the second time have escaped being shot, and your private and public driver (Hyland), the ignorant, despairing tool, suffered loss of life through your means. Had you shown common humanity towards the miserable tenants under your iron tyrannical sway, over-rented, taxed, poor serfs, recipient of out-door relief, to meet the rent gales, you’d not be at present under the doctor’s care, nor protected by an auxiliary barracks and police at your castle. Let me assure you, sir, that if you change not your policy towards the tenantry, in exercising justice instead of rack-renting

the wretched toilers, your life insurance would be on a very heavy premium, and in defiance of all your life guards you will be still in imminent danger, kept as prisoner amongst an outraged, legally-plundered race by right owners of the soil that you have been grinding down to utter ruin.

Counsel observed, as to the style of this letter, it was not the composition of any vulgarian who compiled this precious document versed in such matter. It is neither an ignorantly-written one, and the sentiments, however villainous, were not illiterally conveyed. Counsel, reading from the letter—

Then, for the sake of peace, your own respect, and that of Mr. Buckley's, relent timely, and cease from spreading the flame of discontent between landlord and tenant throughout the land, and give a bright public example to other agents to do likewise. The time is approaching, sir, when the English and Irish land reformers may cause the millions of acres to be taken from the few landed proprietors turning the island into a bullock pasture while evicting man—for just compensation—by Government, and divided among the cultivators.

This is the object sketched, and it was a very pleasant one for those who had no land. The letter continued—

If you and Mr. Buckley would timely and seriously reflect on this contemplated reform, as in Belgium, France, &c., you might be prudently inspired to abate instead of raising or doubling the rents on your immense tract of country, which generous act would be hailed by the poor occupants with joy, and you'd be released from your home prison, no longer requiring any guard but a contented, grateful tenantry. You must know now that murdering tenants by wholesale, in driving them from the home of their ancestors by high rents and taxes, is not the way to win their affection, but on the contrary, to increase their hatred. Another word from the stranger. Show noble revenge towards Crowe. Bear in mind that if he had fired at you, he would never have done so without great cause.

Counsel remarked that that was a nice doctrine. They had heard something not at all unlike it in that court, considering the guarded way in which it was put. It was the public interest to discover and drag to light the criminals who by their oppression drove the people to crime. The letter continued—

Ask yourself have you been a kind considerate agent, and fear the reply of your conscience. A jury may acquit or find him guilty. Should he be transported or hanged, another may take his place; 'twill but increase the rancorous relations, between land owners and tenants, causing the smouldering embers to burst out in a volcano, and will do you no good while increasing your danger in Ireland? Hoping for your recovery, if this distant strange course be carried out ere the 12th hour (when it may be too late) in a manly Christian spirit, as a thanksgiving offering to God for your escape.

A PEACE-MAKER AND A TRUTH-TELLER.

Mr. Bridge, agent, &c.

On June the 20th he received this letter, posted at Skibbereen, and dated Southern seaside. It commenced:—

Mr. Bridge, you villain, you infernal d—l, I will, despite of all your tricks, come up with you in a few days. You will never see the day you will prosecute Mr. Casey. Saturday week will never dawn on you if God spares me strength and health. I have got my plans from a French fisherman here. You, perhaps, think that I am not in existence, but you are well mistaken. I will, with God's help, send your body to atoms and your soul to h—ll in a few days, if you had as much more police and regiment soldiers. I will do for you in spite of the d—l, or all the police in Ireland. I would have done so long before now only I did not wish to come in danger of a musket shot of you; but now, thank God, I have got a very nice plant of sending you to h—l. How I long for the hour that I will be satisfied in my burning heart; that heart-burning fever shall then stop when you are done for and blazing in h—l. Perhaps you think that you can avoid me, but now I swear, as sure as I am here, and swear by all this world, I shall give you Casey in the heart if you havetaking to heart the truth he told of you in the *Cork Examiner*. Thanks to this able fisherman who has shown and planned for me how I will send you blazing, for I know God will bless him. I suppose you will send this letter to your attorney, to the d—l with him, and the police too. I care as much for the police as I care for a straw, and I hate the thought of you as God hates the thought of the renegade.

The letter then refers to a persons of high distinction, whom we shall pass over—

You think perhaps that you will avoid my plot. No, nor if you were the d—l from h—l. No one ever knew of such a fine game before put out a reward for me, you may try and catch me if you can, but I am here in a nutshell safe; till I be certain not to be out of my aim. You will never see Casey punished—you will soon get the contents of this French preparation, which I will make riddles of you, and your house, and your iron barracks and peelers also—Your certain

ASSASSIN.

In July, on the 27th, in Limerick, the next letter was posted, it was dated—

Limerick, 27, 7, '76.

DEAR SIR—You escaped well in March last with your life, and got handsomely rewarded by the Cork jury. But I tell you that if you do not repent of your former doings I will face you in the noon day and leave you a bloodless corpse in your parlour. Take heed, I say.

A. RYAN.

Counsel then said there was a coffin, with an inscription, "I. H. S. To the memory of P. S. Bridge, the hangman of a seducer, which h—ll is not full until he and family are in it.—J.R." Then there was a cross and skull bones, and the following— "To the memory of P. S. Bridge, who will shortly get a couple of bullets; take notice Bridge, you will hang a innocent

man in August last. Hell waiting for you.' The next letter was posted in Mitchelstown, and was dated the 20th of September. It commenced :—

Bridge, I am going to wright you these fiew lines to you that you are to mind yourself on friDay at your house. I am going to blow up your house at 6 o'clock in the evening. Bridge, you eternal d—l, you informer, you are to harish in the poor people in the rint. You have no longer to live than friday, & thurn a Catholic. I will blow up your cassel and Pealers also.—You up start of a murderer. Do you remember the day you kilt the man and spide in me. You sed I was a courd. Ryan said he, but I wont be a courd on friday when I will see you dead,

you fule.

As in the previous letter, counsel remarked there was another figure of a coffin, and also a gun, with the words—

Die you retch are not fit to live. You are no good for king or country and now ! Russian is taking the field we will have rights in our own land, and every traitor like you shall fall. Death to Crow's relations, or they shall have you Bridge.

Then there was a sketch of two men shooting at each other. A letter, posted in Mitchelstown on the 26th of September, counsel read, and was as follows :—

SIR—One word or two.

Gray hair do now cover your head, and how is it you have guilty of such injustices as those recorded by Mr. Casey ? You may prosecute him as far as you are able, but you are better mind yourself going home next tursaday, for you are to be attacked under any circumstances by a party of ten men, and if not successful there, a second attack to be made at midnight.

— We not forget poor Crowe neither. May his blood be on your head. Amen. Do you bosoms enables a heart of steals. Oh ! does it ! Amen. Amen.

I say to I shall not stop under your b—y sway any longer.

I SHALL SHOOT you at any hazard. My blood run clod when I tink of it. Imagine yourself the father and child, when your crops has failed, when your rentwarner come, at length the bailiff comes and

Where am I to fly from famine and danger. A home and a country remain not, whit me imagine yourself on the road-side, when yr child comes up and says, "Father, I'm hungere !" Oh ! how I feel, feels it what would any man do, then soften yr heart, or I will do It wit a bullet next tursaday. You tryant repent quickly, merciless tyrant robber before the Eyes of the people, and the Government has polise guarding you Is as bad.

I wd pieth you b—y merciless robber and murderer, teryant and villian to furthest end of H—.

Paddy Loughlen to book to H— or to England. Here a do you are not worth copauseing a song.

Then there was a ridiculous song, and it should be remembered that the libels were very poetical in some parts. Counsel next referred to a letter posted at Counday, Sept. 27th, which was headed "H— Hound."

TEAKE NOTICE—It es the intention of a pious Catholec end luvver of Ireland—hater of alle Proteastants and Englishmin that uneles you lave of yr d—— conduct to yr tennints, A sure & certin death will o'teake ye when you leaste expict it. This will happin as sure as God is in heven, unless you aggree to our tirms, and steady hands are not wantin for the wurk. Furty bold lads & true have sworn it. Beware.

ROARY O' THE HILLS BY MOONLITE.

Counsel continued to say that on the 28th Sept., Mr. Bridges received the following notice:—

You are to be fired at returning home on Thursday evening, as far as I can understand, by a party of tin men.

A WELL-WISHER.

September, 21st.

Counsel next read a letter posted at Mitchelstown on the 5th October:—

Ireland, Sept. 14th.

PATEN BRIDGE—Dear olde fellow I take the pleasure of relating to you that I will have the pleasure of waiting on you in some time to come with a double-barrell gun in my hand, and you will fall, you old devil, or else all the men in the C. Tipp.

You will be shot when you leaste expect it, and you will be burried in a hole where no human shall pass, & your soul shall burn for ever in h—'s fire.—I remain

YR MORTAL ENEMY & FRIEND OF LIBERTY.

The last letter counsel read was dated from Globe Village, Oct., 18th, 1876, and was headed, "I the d——"—

Bridge you infernal land shark you eskaped all right so far, but if the men of Ireland are all dead the men of America are not. We Irish Americans speak of your iron foot if it wus attached Pig cabin we will send it where we sent Hell-gate & put you inside the d—— gate. you shall be sent bazing to h— and all your protectors, the hour is come when all English landlords must quit the soil of Erin. Ireland is theres and they must have it and keep there sons at home. You Bridge nor no other d—— can claim the Irish land. We deplore the loss of ould Crowe, but you and ten more land sharks, including the judge that past his sentence, shall fall from the balls of American rifles. Your death is sure, and your d—— that is sartin. Signed, your sartin ender. JAS. O'KEEFFE, Globe Village.

Counsel remarked that at the end of the letter there was a drawing of a man being shot at. In one hand he had a notice to quit, and in the other a placard inscribed, "They are only Irish."

M'Grath, the bailiff, referring to the affidavit of John Duggan that he burst into tears when asked for possession of his lands, said that was not true. The people who invented the

new relieving officer, M'Craith, and imposed on the Government, could invent this incident also. Whether these letters were fair comments it was not for the court to decide; that was for the consideration of a jury. There might be difficulties hereafter in dealing with that tribunal, but counsel respectfully and confidently submitted there should be none in dealing with the tribunal he now had the honour of addressing. The tendency of these libels were manifest; they were to hold up Mr. Bridge to execration. His life as a land agent had been ransacked, and he stood before the court without a stain. Driven to the necessity of evicting Ryan he had since met with nothing but persecution of the most terrible character, and a shower of threatening letters, more than sufficient to indicate the ideas created by these libels upon that class of people, prone to take vengeance into their own hands, had been received by him. Counsel knew well what he would have to contend with hereafter. He knew that matters that would not go down here as Gospel would be accepted hereafter as perfect truisms considering the quarter from which they came. They would deal with that as best they could, but he submitted that they had made out a proper case for the investigation by a jury, that there had been no suppression, falsehood, or artifice on their part. But that there had been a grave attack upon them, persevered in to the last, raking up matters to which they had given the go-bye, and that upon the whole it was a case which demanded the exercise of the high jurisdiction of the court, in this exemplary and protective manner.

Saturday, 16th December, 1876—On the case being called on,

Mr. Sergeant Armstrong said—Before my learned friend Mr. Heron proceeds, I think it right to call the attention of your lordships to what has occurred since the case was at argument last. Your lordships will recollect that Mr. Casey imputed in his affidavit to Dr. Wm. O'Neill, of Mitchelstown, a statement that Mr. Buckley had told him that "he would stand another shot or evict fifty-three tenants." Now, Dr. O'Neill, observing this report in the newspapers, made a short affidavit that he was astonished and shocked to hear such a falsehood, and denied *in toto* that he ever made such a statement. The affidavit was filed on December the 12th. Counsel might say that he did not care to use that affidavit at all; but the defendant had taken advantage of it, and he yesterday filed 13 affidavits of enormous length, made by twenty-seven deponents, there being eight or ten of them in one affidavit, which re-iterated the old charges, and made most gross and perfectly new charges against Mr. Bridge.

Judge O'Brien—Well, really, Sergeant, filing thirteen affidavits is very reprehensible; but it was totally irregular for you to have filed one affidavit when the case was at argument.

Sergeant Armstrong said he did not want to use the affidavit, but he could not permit these new affidavits to remain uncontradicted.

Judge O'Brien—We will not hear one or the other.

Mr. Butt did not know of any of these affidavits being filed, except one which they did intend to make an application to use. If Dr. O'Neill's affidavit was read, counsel said it would confirm every word which Mr. Casey had stated.

Judge O'Brien—That matter about Dr. O'Neill was referred to in the original affidavit, and there were replying affidavits filed by Sergeant Armstrong's client, in one of which he referred to this matter. We have come to the conclusion not to hear any of them.

Mr. Butt said, the only point upon which he intended to ask their lordships to allow an affidavit to be made was this. The plaintiff's affidavits were filed at the very last moment, almost. There was a memorial presented from a district in Clogheen, stating that certain tenantry received out-door relief. Mr. Casey was not in any way responsible for that memorial, but the plaintiff had made an imputation that it purported to be signed by the relieving officer who signed himself Hugh M'Graith. The fact was M'Graith was a member of the dispensary committee, but because the tickets given to him had at the foot of them—"relieving officer, or warder, or member of the dispensary committee," he fancied he was appointed to all three, and signed as relieving officer. It was the only fact, he thought, he should ask the court for liberty to explain.

Mr. Heron then continued his argument on behalf of the plaintiff. The Court of Queen's Bench he imagined was not to pronounce its censures on Mr. Bridge. It was not to decide a question of valuation between rival valuers, and it was not to go into a question whether or not the increase was twenty per cent. or 500 per cent. as in some cases it must have been, as the original lettings was at the annual rent of 1s., but it was to say whether the libels did not justify a criminal information. The person who wrote the libels had no other motive beside justifying a murder. Crowe was to be tried in Cork and they found the first letter appearing in the *Cork Examiner*, a paper of the highest respectability in the south of Ireland, therefore the libel was a direct interference with the administration of justice. A justification of murder, in fact a second edition of the political tract "Killing no murder," and intended to interfere with the administration of justice in preventing Crowe being convicted. For it was idle to say that there was no widespread sympathy in Ireland with those who carried on what was termed the war between landlord and tenant. In the English newspapers this affair was always called "The Mitchelstown murder." In some

of the newspapers in Dublin, in one of them particularly it was also called the "Mitchelstown murder." In another Dublin paper it was entitled, "The Mitchelstown outrage," but in another newspaper—the *Freeman's Journal*, as their lordships would see on Monday morning, if the case was reported it was only called "the Mitchelstown Shooting Case" (laughter). That was the term also employed in the Cork papers, and it was to avoid offending the delicate susceptibilities of Mr. Casey and his friends who justified this murder. Counsel then read the libels and commented on them. It was a gross fabrication to say that two sworn valuator walked the mountain to value this property and declared upon their oaths that they could fix no value upon portions of the land. Referring to Casey's statement as to the meagre fare such as cold stirabout that the tenantry lived on, Mr. Heron said Burns had referred to a similar state of things without disapproval in the "Cottier's Saturday night."

"The wholesome porridge, chief of Scotia's food,
The milk, their only hankie does afford."

And says, "From scenes like this old Scotia draws her pride" (laughter). Then there was a quotation, "he would stand another shot or evict fifty-three tenants." What did that mean but—— subscribe your half crowns, purchase another assassin, shoot Bridge or fifty-three families will be thrown on the world houseless and homeless by this wicked and cruel man who ought to be murdered. The only answer or attempt to be given to the most monstrous charge on the whole libel, namely, that it was Bridge and Bridge alone that raised the old rents from 50 to 500 per cent., the only answer was in paragraph 11 of Casey's affidavit, and he stated he knew nothing of the circumstances under which the said Mr. Joseph Walker made the valuation of the said estate as mentioned in the third paragraph by Mr. Bridge. It really came to this that persons like Mr. Casey, assuming a great position, had the power of dictating to the owners and agents of estates what rent they should impose on their tenantry, and by means of libels such as these excite a spirit amongst the tenantry that would render it perfectly impossible any re-valuation of property, which he (counsel) believed everyone admitted must occasionally be re-valued, and he would ask when did his learned friends on the other side say there was to be a re-valuation of this property. But these were collateral questions about the management of the estate, which were entirely beside the question. When the criminal information went, Mr. Butt might plead every syllable in these libels were true, and that it was for the benefit of the public to publish

it. As long as these libels remained unpunished in a court of justice in this country no human being could ever advise Mr. Buckley to lay a foot on Ireland, and absenteeism would be the rule and not the exception as long as parties were unjustly denounced in this manner; and there was the horrible statement that Mr. Buckley reserved for himself the right of turning his whole property into a vast preserve, and evicting every tenant upon it. The fact being that 540 of the tenantry had leases for 31 years.

Mr. Butt—That is not in any affidavit.

Judge Barry—Considering the whole of the tenantry numbers 517, how could that be?

Mr. Heron—I may have made a mistake in the numbers, and I withdraw the expression, if erroneous. Mr. Butt had endeavoured to show that until Mr. Bridge came on to the estate the people were prosperous, and on that argument he justified the libels, which meant in the end that the outrage at Mitchelstown was not an outrage, but a mere shooting case. His learned friend had then tried to bring in a plea of fair comment, and if this was fair comment all he could say was that it was a question for a jury, and that it was no answer to a rule going for a criminal information. Mr. Butt had stated that Mr. Bridge was the cause of this outrage.

Mr. Butt—I don't think I did.

Mr. Heron—Well, that Mr. Bridge's conduct was the cause of this outrage, and it was the argument he (Mr. Heron) met in the Court of Queen's Bench. Here a murder was committed, and a person tried and executed, notwithstanding these inflammatory articles, and then, indeed, it was to be argued that the conduct of Mr. Bridge led to this murder of his servant and the attempt to murder himself, and when after those letters and paragraphs and libels were written, justifying what had occurred, that it was an argument why a criminal information should not go. Such an argument was never before addressed to a court of justice. Counsel then read a memorial in reference to the persons receiving out-door relief in the Clogheen Union, and the denial by Morrissey, the relieving-officer, that he had sent that memorial, or that the parties were receiving poor law relief. Morrissey, counsel supposed, would be the next to be shot. The first question for the court was—whether these publications were libels—and then a jury should try whether the libels were true, and whether it was for the public benefit that they should have been published.

Judge Barry—Do you go the length of saying, Mr. Heron, for, I confess, it takes me by surprise, that, supposing this was a matter of public interest, the letters came under the category of fair comment, and that even though we, ourselves, thought it

a fair comment, we should give a criminal information, and send it for trial to a jury.

Mr. Heron said he did not hold that for a moment, but he contended that the question of fair comment was for a jury.

Judge Barry—In one sense it is, and so is whether this is a libel.

Mr. Heron said, in considering the effect of these libels on the tenantry, they could not disregard the number of threatening letters which Mr. Bridge had received. The hatred sought to be excited against him, was partly political, as connected with the Land Question, and partly religious, in reference to the statement of evictions in Holy Week.

Mr. Butt said it was right to say there was nothing about eviction in Holy Week, but the demand for possession in Holy Week, which really took place.

Mr. Heron continued—This was an attempt to excite the Roman Catholic jurors of the South of Ireland against Bridge, in order that Crowe, the assassin, might be acquitted. In one of the threatening letters, in poetry, Bridge was represented to have said :—

No Popish brood or rebel crew
Shall live this roof beneath;
“There, bailiff, fling them on the road,”
He hissed between his teeth.

The life of Bridge was worth no more than the life of a rat; the persons who attempted to assassinate him were sought to be justified, and Bridge was said to be the *causa causus* of the murder of his servant. If ever there was a case for the Queen's Bench to interpose and grant a criminal information, this was one where the administration of justice had been interfered with and justified.

Mr. W. O'Brien then followed on behalf of the defendant. There were 517 tenants on the estate, and the assistance that had been lent by a majority of them to oppose the application of Mr. Bridge expressed the apprehension in their minds that the result of this case would have something to do in determining their fate. They had evinced their feeling in a remarkable manner, for no less than 43 different affidavits were made for the defendant by the tenantry on Mr. Bridge's estate, showing how abundant the material must have been out of which that mass of evidence was so quickly obtained, while on the other hand Mr. Bridge had had an interval of five months, and not even from the subserviency, too common amongst the Irish tenantry, of the tenants on the estate, nor from their stimulated friendship and gratitude, had he been able to obtain the testimony of one single witness in his favor. These were facts of very great

weight. Referring to the affidavit of John O'Brien, that in 1862 Mr. Bridge had received a threatening letter on account of the management of his estate, counsel said Bridge had admitted one portion of the affidavit, but could not remember the other, so that it was quite probable the other statement was correct. In 1875 the first attempt was made against Mr. Bridge's personal security, and he then made an application for compensation, and in order to sustain his application it became necessary for him—who now said no hostile feeling existed against him till Mr. Casey wrote these letters—to establish that there was such a degree of hostility against him that no evidence could be obtained against the person who fired at him. A great deal had been said here about these threatening letters, and they had been read and gloated upon, he might say—indecent productions that really no man of position ought to regard. They had been gloated upon in a way hardly consistent with respect for the court, all full of the bloodiest and most atrocious language. Mr. Casey's letters were published on April 13th and 27th, the outrage having been committed on April 8th, and but three of these letters were written in the interval between the commission of this crime and the trial, and all the subsequent horrible ones were written after the trial of Crowe and the execution, and after the Grand Jury presentment. Really counsel was a little struck by the somewhat unreasoning violence with which their lordships had been addressed, and the views that had been presented to them as to the object of these libels, not one of which was charged by Mr. Bridge when he originally obtained this information. All these statements made by Mr. Heron were made with an indirect and perhaps hardly justifiable intention of seeking to cast over this case a lurid glare arising from a great crime, and the apprehension of new crimes, and to induce this court to take a course which the evidence would not justify, and to take that course under the influence of fear which Lord Bacon once called "an unjust and cruel adviser." This application was not a mere ordinary individual seeking satisfaction for a private wrong, it was an application brought forward by Mr. Bridge avowedly to justify the management of his estate. The influence which gave rise to this publication was no ordinary one, it arose from a crime of undoubted daring and singularity, an attempt to take the life of Mr. Bridge in the face of the very armed escort granted to him by the law, and the occasion gave rise to a great deal of comment. Mr. Bridge's own advocates and eulogists came forward on his behalf, and Parliamentary reports contained allusions to it. If Mr. Casey had merely possessed an ordinary talent for fluent and graceful writing, and believed that the tenantry on the estate had great reason to complain of the conduct pursued towards them, that

perhaps would be a great justification for his writing these letters. But beyond that he resided in the locality, he was acquainted with the condition of these people intimately, and he said himself that he wrote these letters from no motive whatever but merely with a desire to advance the interest of those persons affected by the management of Mr. Bridge. The court had over and over again refused a criminal information on various grounds and all these appeared to exist in the present case. The learned sergeant had admitted that there never could be a verdict of guilty against Mr. Casey, and when their lordships had heard a little more of the case, they certainly would come to the conclusion that anything so wild as the expectation that a verdict of guilty could be found against Mr. Casey could not be entertained by any intelligent tribunal. It was conceded that there was not from beginning to end of these letters one single opprobrious epithet applied to Mr. Bridge. That certainly was not an example that Mr. Bridge had thought proper to follow, for he resorted to very gross and defamatory language. He referred to Mr. Casey's being convicted of Fenianism, and he ascribed the move that actuated him to a political motive, and in the last of his affidavits he sought to fix upon him the vilest and most corrupt motives, the attempt to serve the interests of a low public-house by leading and instigating the people to the commission of crime, and upon that ground counsel submitted Mr. Bridge had disentitled himself to the interposition of the court. When he came to complain of calumny he must not deal in calumny himself.

On resuming after an adjournment, Mr. O'Brien said the learned sergeant had endeavoured to make some pleasantry out of the supposed exaggeration of the conditions of life under which this tenantry existed, and certainly a very curious confirmation of Mr. Casey's account—which was not denied by Mr. Bridge—was to be found in the celebrated account written by Arthur Young, of his travels in Ireland.

Mr. Heron objected to the extract being read.

Mr. O'Brien said it was exceedingly interesting, and helped his argument. "In this summer Sir William Sherbourne has fixed 22 families, who are all upon the improving hand, the meanest growing richer and finding themselves so well off, that no consideration will induce them to work for others, not even in harvest"—an argument of some application here. Their industry has no bounds, nor is the day enough for the revolutions of their incessant labour."

Mr. Heron—That is not on this estate at all.

Mr. O'Brien—Wait a moment—"For near Galbally to the Galtee mountains there are large spaces of flat lands covered with heath and furze that are exceedingly improvable, yet seem

neglected as if nothing could be made of them. The road lies immediately at the northern foot of the Galtees, which form the most formidable and romantic boundaries imaginable, the sides are almost perpendicular, and reach a height which, piercing the clouds, seem formed rather for the boundaries of two conflicting empires than the property of two private persons. . . . This estate admits the rational prophecy that it will become one of the finest properties in Europe"—certainly not under Mr. Bridge. "The tracts of mountain are of prodigious extent, the Galtees are only six or seven miles long, from one to four miles wide across, and more improvable upon the whole than any land I have seen. Hogs are kept in such numbers that the little towns and villages swarm with them. Pigs and children bask and roll about together, and often resemble one another so much that it is necessary to look twice before the human face divine is confessed. I believe there are more pigs in Mitchelstown than human beings, and yet propagation is the only trade that has flourished there for ages." A very striking figure which presented some arguments on which he intended to rely. Thirty affidavits had been sworn to sustain Mr. Casey's statement as to the improvements on the estate, and in some cases not only the children of these tenants but their wives had to go and work for neighbouring farmers. Mr. Casey had heard of the memorial from the Clogheen Union, for the remission of the police tax, which stated that the tenantry at Barnahoun were receiving out-door relief, and finding that the executive had acted upon it—he never saw the memorial himself—he had every reason to believe it to be true. Mr. Casey did not act on that alone; he had other grounds for coming to the same conclusion, merely a statement contained in a public journal—which certainly did not represent a class of opinion that was at all favourable to any attempt to try and cause disturbance amongst the tenantry in this country—the *Cork Constitution*. The statement referred to by Mr. Casey was in the report of the outrage—"It is a fact that the farmers" (meaning the farmers on the said estate), "have to seek out-door relief to enable them to supply their families with the merest necessities for sustaining life; and a preceding passage in the same paper, the *Cork Constitution*, ran, "once, however, the increased rents were demanded from the tenants, strife commenced, and the disorder and turbulence which followed has all but pauperised the tenantry." Mr. Casey had sworn that Mr. Bridge was a subscriber for Mr. yet the latter had never denied these statements, which it was incumbent on him to do if they were untrue. Counsel proceeded to refer to the statement imputed to Dr. O'Neill.

Judge O'Brien considered it very reprehensible on Mr. Casey's part to have introduced into his letters the phrase, "he

would stand another shot or evict the 53 tenants"—even if Mr. Bridge did say it.

Mr. O'Brien—It is the language admitted by Mr. Bridge himself, interpreted into briefer and more energetic terms. Mr. Bridge in his bold and bad oppressive course of action would most likely use that language, and then it was justifiable for Casey to state it as a reason for Mr. Bridge's perseverance in his announced intention. Referring to the valuation by Mr. Walker, counsel said the function Mr. Walker filled was like that of the surgeon who came into see how much the victim could bear before his life ebbed away under the lash. Counsel charged that Mr. Bridge was guilty of intentional misrepresentation when he said the rise of rent was only 20 per cent., which meant 20 per cent. over the whole estate, including leases and all, while the idea ordinarily conveyed would be that in no single instance was the rise more than 20 per cent.

Judge O'Brien said in some instances, admitted by Mr. Bridge the rise was cent. by cent., which went to exonerate Mr. Bridge from the charge of misrepresentation.

Mr. O'Brien remarked that Walker's report had not been produced by Mr. Bridge in support of his statement. The only rent was £339 a year in the instances mentioned by Mr. Casey in his letter to the *Freeman's Journal*, and the new rent was £697.

Judge O'Brien—And several of these are five times the original amount, 500 per cent.

Mr. O'Brien—And it appears the lower you descend in the scale the weaker the tenantry are, and the heavier Bridge laid his hand upon them.

Judge Barry remarked that in the first case on the schedule the old rent was £3 6s., and that was raised to £17.

Mr. O'Brien—There is a bribe for a landlord and for a speculator who comes over here and drags the vitals out of the country. Taking the rents of these tenants who had made affidavits, the aggregate of the old rent was £311 yearly, and the new rent was £630, more than double. Mr. Roche had culled out some of the more flagrant instances, and in those cases the old was £84 8s., and the new £229 16s., and then this Mr. Bridge came in, and wanted a criminal information filed against a man who said the increased rent on these tenants was unjust, and more than they could afford. If their lordships were to send this case for trial by an indictment, what verdict would Mr. Bridge get, what jury with his distinguished friend (Mr. Butt) thundering in their ears could find a verdict condemning Casey? Until feeling with people oppressed was erased from the human breast that instinct which made people boldly rush to the side of unjustly accused would he found aiding Mr. Casey. If their lordships came to the conclusion that the granting of this rule would result in the law being discredited.

Judge O'Brien—Is that a ground that whatever our own opinion of the document is that because of a certain state of feeling in the country a jury would not find a verdict, we are not to grant the rule?

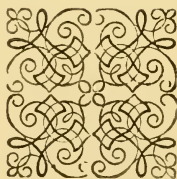
Mr. O'Brien—No, my lord; not because of a certain state of feeling, but a certain state of facts.

Judge O'Brien—You might argue what good is there for not leaving him to his ordinary remedy by indictment.

Mr. O'Brien said Mr. Bridge's case was that these tenants freely and voluntarily consented to this revaluation, that, *volenti nos fit injuria*, no injury is done to the willing. They had heard of the man who rushed into the sea when pursued by a bear, and the willingness of these tenants was of the kind. The idea that an Irish tenant would agree to an increase of rent of 200 per cent, imposed too large an obligation upon the credulity of a less intelligent tribunal than the one he had the honour to address; but the tenants denied this upon their oaths, and stated they were driven to accept the increased rent at the point of notices to quit. This property had passed through the hands of persons all well disposed to increase the rents as far as they could, and not at all inactive on that point. Incumbrancers, speculators, creditors entail, mortgagees and land vultures of every kind, all had scrambled with the eagerness of cupidity and alarm over the carcass of that unfortunate estate. Mr. Bridge had done his duty up to 1873 under the former owners in making it yield as much as it could, and he violated his duty to the public and the tenantry in raising the rents when it passed under another proprietor. That was all the observations he intended to make upon this case, which was of very great importance to the people whose interests were involved, and of great importance to the whole country. The defendant said that Mr. Bridge had not acted in a candid manner, and according to the obligations imposed upon him by the rules of practice and procedure in that court. He had misled the court by partial evidence, by suppressing evidence in his power, and by bringing forward evidence contradicted on their side. They said the facts put forward by Mr. Casey were incontrovertibly established, and that the new rents were out of all reason, and fairness, and justice, and that Mr. Bridge had realised what a great man once described as "The Egyptian bondage of cruel and oppressive landlordism." They said no verdict could be found against Mr. Casey, and that he had not transcended the bounds of public discussion. Mr. Bridge had complained of the odium which was attached to him, that was not the defendant's fault—it was impossible to detach the consequences of men's acts from the acts themselves. Mr. Bridge had sown the storm and reaped the whirlwind. He had implanted in the minds of these people a deep feeling of dis-

satisfaction with his whole proceedings, and could not reasonably expect to reap gratitude where no kindness had been bestowed, and the defendant said it was not for the public peace that there should be a brand of this kind cast abroad again. All the reprehensive power of the law had been used on Bridge's side, he had had the police tax, and the blood tax, and even the scaffold had yielded its expiation for the offence committed on his person against the majesty of the law. On all these grounds counsel submitted the conditional order should be discharged.

Judge O'Brien announced judgment would be delivered on Tuesday morning.



THE JUDGMENT.



AT a special sitting of the Court of Queen's Bench, held on
TUESDAY, DECEMBER 19th, 1876,

judgment was given in this case. There was a crowded auditory.

Mr. Justice Barry first gave judgment. He said—This case is now before the Court upon the motion of the defendant, Mr. John Sarsfield Casey, to discharge, on cause shown, a conditional order for leave to file a criminal information against him for two alleged libels published by him against the prosecutor, Mr. Bridge, one in the *Cork Examiner* of the 13th April, and the other in the *Freeman's Journal* of the 27th April in this year. The case is one of very considerable peculiarity, and in its circumstances and the combination of elements which it presents for our consideration differs from any case of the kind within my experience. It is superfluous to observe that the proceeding by criminal information is a summary, extraordinary remedy, the essential characteristic of which is that it puts the criminal law in motion against a person accused of a misdemeanour without the intervention of a grand jury, and the power of granting and enforcing which has been, from the earliest times, vested, and vested exclusively, in what is now the Court of Queen's Bench. The Attorney-General can file the information by virtue of his office, and on his own responsibility; and up to the passing of the English statute 4 and 5 W. and M., c. 18, informations were filed by the Clerk of the Crown, at the instance of private individuals; but that statute provided that thenceforward no such information should be received or filed by the Clerk of the Crown without the express order of the Court, given in open court. The ground upon which, and the cases in which leave to file the information is to be given, are left wholly in the discretion of the Court. "The Legislature (said Lord

Kenyon) left it to our discretion, trusting that we should not so far transgress our duty, as to go beyond the rules of sound discretion." The class of alleged offences, in respect of which leave to file the information will be given, is described in the books as gross and serious misdemeanours, in which category I shall venture to place cases where the prompt and authoritative interference of this Court is required for the repression or prevention of disorder or crime, the maintenance of law and order, or the protection of property or life. When it is said that the granting of leave to file the information is entirely in the discretion of the Court, the proposition is to be taken with this qualification—that the Court has adopted certain rules by which in general the exercise of its discretion will be regulated, as for example "the prosecutor must appear entirely blameless in the transaction," "the prosecutor must not in his affidavit unnecessarily reflect upon the defendant" but as to the application of these rules to the present case, I shall say more hereafter. The alleged libels are two letters published by the defendant in the newspapers which I have mentioned, and the libellous imputation is that Mr. Bridge had acted harshly and oppressively towards certain tenants on the estate of a Mr. Buckley, over which the prosecutor is the land agent. On the part of the defendant it was contended with great ability and force by Mr. Butt and Mr. O'Brien, that these letters were only fair comments upon the acts of the prosecutor in regard of the tenants in question. The late lamented Chief Justice of this court expressed a very strong opinion that the management of the estate of the private individual was not such a matter of public concern as to justify discussion of it in the public press, so as to bring such discussion within the defence of "fair comment." But it is not necessary to consider that point now, as it was not, and possibly could not, be contended by the counsel for the prosecution, that in the events which took place in reference to this estate, the relations of Mr. Bridge with the tenants, and his conduct towards them, was not a legitimate topic for public discussion. Mr. Sergeant Armstrong, however, contended that this question of "fair comment" could not at all be entertained by this court, but that such issue, if it arises, must, without any exercise of discretion on our part, be sent to be tried by a jury. I cannot accede to that proposition. I deem it not alone my privilege, but my duty, on an application for a criminal information in a case of alleged libel, to consider the language and tenor of the writing, the occasion of, and all the circumstances surrounding the publication; and if I arrive at the conclusion that the writing, though defamatory, comes within the category of "fair comment," I deny that I cannot on that ground refuse the criminal information. But the counsel for the prosecution further contended that these libels are not

fair comments upon the prosecutor's conduct towards his tenants, but an unfair, unjust, exaggerated, perverted, and malicious version of and comment upon that conduct. The facts out of which the whole controversy has arisen are, as I gather from the affidavits, in substance these:—The estates of the Earl of Kingston formerly comprised the whole or part of the range of mountains known as the Galtees, and the plain at the foot of the range. The portion of this district more particularly referred to in this case is described in the affidavits as of the wildest and most barren character, some of the holdings situate at a vast elevation, the soil in its natural condition covered with heath and stones, and only rendered productive of miserable crops by the most unremitting toil, involving in some cases the carrying by the tenants and their families of manure upon their backs to places inaccessible to any other means of carriage. It is sworn that if there be any remission of this laborious cultivation, the soil immediately reverts to its primitive sterility. It appears on the affidavits that a number of the tenants were in very poor circumstances, living in wretched cabins, and able to afford only the meanest food and clothing; that many of them were in debt for the necessaries of life; that they were, as a body, most industrious, and that it was only by unceasing toil on the farms and the wages earned by themselves or members of their families from the neighbouring farmers, that they were able to subsist and pay the former rents of their holdings. There are several affidavits from tenants describing their condition to be as so represented by the defendant. These allegations are met on the part of the prosecution by general and perhaps somewhat irrelevant statements as to the condition of the "general body" of Mr. Buckley's tenants—517 in number—but there is no evidence before us to satisfy me that, if not all, a great many of the 50 or 100 mountain tenants who have been served with notices to quit or ejectment are not very poor though very industrious. This class of tenantry was suffered by the Kingston family to make the best living they could out of this sterile district, paying rents in some cases nominal, in all cases very small. Unless tilled by such a class the land was absolutely worthless. But the evil day came. The old lords of the soil became embarrassed; possibly if they were made of sterner, and it may be wiser, stuff, of the material that would make the widow pay £1 instead of 5s., they might still have held the estates; but they got into Chancery and a receiver was appointed, who, watched, it would seem by jealous creditors, managed the estate till 1852, when the lands were sold in the Landed Estates Court. On the eve of the sale expressions of kindly feeling passed between this receiver, a Mr. Massey and the tenants, and in answer to an address presented to him by them Mr. Massey bears testimony

to their conduct. His lordship read an extract from Mr. Massey's reply, in which he stated that he had spent many sleepless nights thinking of the sad scenes which he had witnessed, and of the patience, good order, and excellent conduct of the tenantry—conduct which during the 20 years he had been in management of the property, he had never seen equalled elsewhere, and which, shown under the privations suffered, he considered to be almost miraculous. He added that Lord Kingston had ever been most anxious to meet the wishes of his tenantry, and he (Mr. Massey) hoped that the new landlords "would treat them with the forbearance and generosity to which they were entitled by their excellent conduct." The estates were purchased by the Irish Land Company, which, I suppose, was an association formed for speculating to make money by such investments; and it is an important fact in this case that although in some instances the rents were raised, there does not appear to have been any material change made in the position of the tenantry by this speculative association for 21 years during which they held the estate. In the year 1873 the estates were sold to the present owner, who it is stated lives altogether in England. It does not appear, although the question was asked by my brother Fitzgerald, what rate of purchase money on the then existing rental he paid, nor can it affect the purchaser's legal rights. Whether he gave one farthing or one million sterling for the estates, his rights are the same, and whatever rent he thinks proper to insist upon he must get, or he can by law recover his land from the yearly tenants; but I concur in the sentiment expressed in this court by the late distinguished Chief, that the man who obtains an estate cheaply because the rental is low and then forthwith proceeds to raise the rents to an amount never demanded by the vendor or their predecessors, and the man who pays a higher price than the existing rental warrants with a view of recouping himself by raising the rents on the tenantry, are each entitled to and must receive the full measure of their legal rights, but no special favour nor approval. The purchase being affected, a valuation of the property is at once made by a Mr. Walker, who is stated (and I have no doubt truly) to be a respectable man and experienced valuator, and who, I have no doubt, valued honestly according to his judgment. I disclaim any intention of pronouncing any definitive opinion on the correctness or fairness of that valuation; it may on due investigation be proved to have been made on a scale of the utmost liberality to the tenants; but when I remember the extraordinary conflict of evidence which so often occurs between skilled valuers when the value of land or agricultural matters is in controversy, an instance of which occurred in this very court during the past week, I am not prepared to assume on the evidence before us

that this valuation was so obviously fair and reasonable that Mr. Bridge was justified in forcing it upon tenants in the peremptory (not to use a stronger word) manner which he adopted. A revaluation of an estate with a view to raising the rents is of common occurrence, and it is not true that Irish tenants never meet such an event in as reasonable a spirit as tenants in any other part of the United Kingdom. A landlord, finding the value of land increasing and the various commodities which he has to buy out of his income perhaps becoming dearer, thinks that he may fairly call on his tenants to share with him the increased value of the soil, in which they are both interested. A valuation is made, the result is submitted to the tenants, there is grumbling, no doubt, negotiation discussion, bargaining, perhaps mutual concession and the whole thing is done and the friendly relations which ought to exist between landlord and tenants continue as before. But what was the course adopted upon this estate in the Galtees? The purchase is made in 1873; a stranger unknown to the tenants, of whose integrity or skill they know nothing, is brought down in July; he completes his valuation about November, and in January, 1874, printed notices are sent to the tenants informing them that their rent is to be so and so (specifying the amount fixed by Mr. Walker) from the 25th March then next. I have professionally and judiciously come in contact with many cases of controversy between landlord and tenant; I have seen and heard the usual charges and counter charges of harshness on the one hand and dishonesty or unreasonableness on the other, sometimes proved and sometimes disproved, but such a demand by agent or landlord as that made by these notices under such circumstances never fell within my observation. The demand was wholly unenforceable in law, and, so far as I see on the facts before us, indefensible as a matter of dealing between man and man. In point of law the landlord could no more enforce the advanced rent from the 25th March than he could enforce its payment retrospectively for the antecedent ten years, the tenants were entitled by law to hold at the old rent until the end of the year, and the service of these notices must therefore be regarded as an attempt, and so far as I can see, an unjustifiable attempt to exact through the terror of apprehended eviction that increase on the coming half-year which he could not obtain by any legal process. It does not appear whether many of the tenants yielded to this demand; but in October another notice is posted. I shall not comment upon the pregnant significance of the word "submit" in this document; but every tenant who did not submit was, so far as I can gather, served with notice to quit. It appears that about 100 notices to quit were served. One of the principal charges against the prosecutor in the libels is that the increases of rent

forced after this fashion upon these tenants ranged from 50 to 500 per cent. on the old rents, and this is in many instances absolutely true. The prosecutor in his affidavit says that the increase on the rental over the whole estate is under 20 per cent. ; but the question is not of the whole estate, but of that portion of it to which the defendant referred ; and upon the tenants specified in the schedule to the prosecutor's own affidavit there are instances of increase ranging from 50 to more than 500 per cent., while the average increase on the whole of them is more than 100 per cent. By way of proof that the rents demanded are fair and reasonable, it is said by Mr. Bridge that in many of these cases a new tenant could be got to give a fine or purchase money to get the farm at the same rent. I am surprised to hear such an argument put forward by way of establishing the perfect fairness of these dealings. We have all had experience that sums equal perhaps to the purchase money of the fee-simple will be given for a holding subject to a rent which the previous tenant will submit to eviction rather than undertake to pay, and I am much deceived in the character of the Irish landlord whom I know, if any one of them would not feel insulted if it was suggested to him that he might put upon a tenant whose ancestors and himself have been for generations upon the land any amount of rent which could be procured from some new-comer with a fine. If this case only involved the consideration of the libels on the one hand, and the conduct of Mr. Bridge commented upon by the libels on the other hand, I would not make this conditional order absolute, but leave Mr. Bridge to proceed by indictment or permit him to bring his action. I do not pronounce these letters to be fair comments upon Mr. Bridge's acts. I do not say that they are not exaggerated, and upon important matters incapable of justification, but the well known general rule of this court is that the prosecutor in a case of this kind must appear entirely blameless ; he must not appear by his conduct to have afforded, in any material degree, excuse or justification for the publication complained of, and applying that rule here I would, if the case rested on this point alone, leave Mr. Bridge to his ordinary remedy. I do not pronounce any definitive opinion on his conduct ; he may, and possibly will, vindicate his conduct completely at a trial. All I say is, that if we had only to deal on the one side with the mode in which this vast increase of rent was sought to be forced upon the tenants, and on the other side with the comments of the defendant, I would, on the evidence before us, refuse to make absolute this conditional order. If this were an ordinary case, too, there are other grounds upon which I would be disposed to refuse the application. One of the general rules guiding the discretion of the Court is that the prosecutor must be perfectly

candid in all his statements of the facts. Now the statement in the libel being that he had raised the rents of the tenants alluded to from 50 to 500 per cent., the prosecutor says that the increase was only 20 per cent. on the whole estate. The defendant in his affidavit challenges this statement as uncandid, because he says that some of the holdings on the estate were under lease and the rents could not be raised. To this the only answer given by the prosecutor in his affidavit in reply is to attribute to the defendant's affidavit a meaning simply preposterous. This is probably the result of an obscurity in the frame of the prosecutor's first affidavit, but the objection is well founded as the affidavits stand. Again it is a rule that the prosecutor must not unnecessarily reflect upon the character of the defendant, or attempt to raise a prejudice against him. In this case the prosecutor in his affidavit states (after some description intended to be disparaging) that the defendant was convicted of Fenianism, and sentenced to five years' penal servitude. It is pretended that this statement was introduced for a legitimate purpose. If this were so it might have been couched in different language; but I am convinced that the statement was introduced with the contemptible, and I need not say abortive, object of creating a prejudice against the defendant. Another charge brought by the prosecutor against the defendant is that in writing these letters he was actuated by the belief that he would extend the business and custom of his father's public-house. I confess if this were an ordinary case I would find it very difficult, in the face of that wanton, and to my mind wholly unfounded charge, to grant leave to file the information. The very temperament and tendency to strong writing, which impelled Casey to incur penal servitude by his writings as the "Galtee Boy," might fairly account for his taking up his pen as the champion of the Galtee tenants, without attributing to him the sordid motives imputed to him by the prosecutor. But it seems to me that, as ably argued by Mr. Heron, there are elements in this case which take it out of the ordinary category of cases in which a criminal information is applied for as a remedy for a mere personal libel, where vilification of character is the sole scope and result of the publication complained of, and that these elements must prevent our applying to this case those technical rules to which I have adverted, and which in ordinary cases would regulate the exercise of our discretion. Mr. Bridge states in his affidavit that in March, 1876, he was in the avenue of Galtee Castle fired at and wounded by one of the tenants named Ryan. He was awarded by the grand jury and judge of assizes, compensation under the Peace Preservation Act, which could not have been done unless the grand jury and the judge of assize were satisfied that material evidence concerning the outrage was withheld by persons in the

district. After that he was escorted by police wherever he went. The next occurrence is thus described by the prosecutor—

Another attempt to assassinate me was made on the 30th of March last, on which day I was engaged at Mitchelstown, in the County of Cork, collecting the rents of a portion of the estates, which fell due in the previous September. Having finished my business at Mitchelstown I started on an outside car about five o'clock for Galtee Castle, my residence in Tipperary, and was accompanied by two policemen, Constables Nugent and Jones, and the bailiff of the estate, named O'Loghlan, and a servant named Hyland, who was driving the car we were on. After we had reached a place called Garrylea, about two miles from Mitchelstown, we were fired at from both sides of the road—whereby Hyland, the driver, was shot dead. Constable Nugent was seriously wounded both in the leg and chest, and also Patrick O'Loghlan was wounded in the leg, and I myself received several dangerous wounds in both legs and in the jaw, and the finger of my right hand was broken across, and another pellet or slug went quite through the same hand. The car upon which we sat was perforated with pellets in several places.

The crime thus described was, in respect of its reckless audacity, and the ruthless determination which prompted it, unparalleled in my experience. It more resembled an ambuscade in public war than a plot for private assassination. It stirred the public mind not alone throughout the kingdom, but I may say throughout Europe and America. The defendant himself truly describes it as a topic amongst all English speaking people. Such being the character of that deed, and assuming that the defendant's own assertion is true, that these tenants had to choose between eviction and submission to a rent which they could not pay and live, who could say that the rage, the frenzy which impelled to so daring and dreadful a deed was confined to one or two and was not shared by many? Under such circumstances I will not say that nobody was justified in discussing in the public press the appalling deed and the causes or supposed causes which led to it; but I do say that any person who, not being a journalist, and having no direct personal interest in the matter, volunteered to undertake the part of public commentator on such an occasion, should have performed the task with an elaborately studied moderation, with a scrupulous adherence to the strictest truth, and the most careful avoidance of any expression or suggestion calculated to further stimulate the furious passions which, it was apprehended, had been aroused. Did the defendant act so? I am bound to say he did not. His language (not devoid of literary power) was excited and inflammatory; many of the most material statements were unfounded or exaggerated, and, even though not wilfully untrue, were made recklessly and without due inquiry; and the whole tone and tenor of the letter were calculated to rouse still more the angry passions of the people and stimulate them to further

acts of violence and crime. It is impossible to read those letters without coming to the conclusion that they would be understood by those tenants, denizens of this wild mountain region, as justifying the deed of the 30th of March as an attempt at justice and not crime, and might stimulate others raging under a sense of injury, real or fancied, to consummate the fell purpose which on that day failed of effect, and so take final vengeance upon the man who, as these letters announced, had doomed them to expulsion from their mountain homes and to a workhouse pauper's grave. It was under these circumstances that the prosecutor came into this court and asked for this criminal information, not, as in ordinary cases, for the vindication of his character, but as a protection for his life. It may be said—How could we protect his life? We certainly could not afford him physical protection; the armed constables of the Queen failed in that; but we could give him the protection he asked—namely, that by the prompt interference of this court we might deter the defendant and others from persevering in such a course of writing. We can at least do that which has always been a reason for the summary interference of this court, mark out such writing at such a time as deserving the highest animadversions. It would be strange, indeed, in my opinion, if a man were to come into this court and say, “Here is a writing which incites men to murder me, I ask for your interference,” and the court were to answer—“Well, that is all very true; but you seem to have acted wrongly in the affair, or your attorney has introduced some passages in your affidavit reflecting on the writer, and therefore we cannot interfere.” It would seem to me that such action of this court would too much resemble the verdict vulgarly designated as “served him right.” But, again, when once the libel assumes the form of incitement to a serious breach of the peace, not to say murder, the matter becomes one in which the public are directly concerned. Of course, in the repression of all libellous writing the public are interested, but that is only in a general way; but in the prevention or repression of writings inciting to crimes of violence the public are particularly and directly interested, and if the circumstances be such as to give a private individual a *locus standi* to bring a case of inciting to such crimes before the court, I think there is no principle and no authority to prevent this court from interfering, irrespectively altogether of the merits in conduct or procedure of the individual applicant. It is said that one of the cases where the criminal informations will be granted is when the prompt and active interference of this court is required. I think this is such a case. I think the maintenance of law and order, the exigencies of the protection of life and property, demanded that this conditional order should have been

granted.. There is another element which, if not in itself sufficient to induce us to grant, should largely influence us in granting, the information. One of the men who attempted the life of Mr. Bridge on the 30th March was arrested—taken in the fact. There are many wise and experienced persons who apprehended that, from the effect of fear or other causes, no jury could be got to do their duty, no matter how clearly the case was proved against the prisoner. I do not advert to the fact that Mr. Bridge had his claim for compensation under the statute pending for the assizes. It is impossible to contend that these letters, published at such a time and under such circumstances, were not calculated to obstruct and prevent the due administration of justice. I mean to say that, viewing these libels only as publications calculated to weaken or impede the course of the criminal law, in which the prosecutor had no interest otherwise than as one of the public, I would grant the information on his application. It would in such a case be for consideration whether the matter should not be left in the hands of the Attorney-General. But here the prosecutor has a direct interest in the vindication of the law ; impunity for the man caught red handed in the attempt at the murder, might well, under the circumstances, tend to renewed attempts on the prosecutor's life. Without, therefore, saying that this aspect of the libels would in itself constitute a ground for granting the order, I think it an element which should much influence our decisions. It is in fine, a case in which what may be termed the public considerations regarding the letters are so interwoven with the aspect of the publications when treated as merely private libels that the prosecutor is entitled to rely on these public considerations and to call for the interference of this court. The proposition that in cases where the misdemeanour complained of has a direct interest for the public, these technical rules as to the conduct or procedure of the prosecution do not apply, is not without authority. I refer to the case of the King *v.* Norris and others, 2 Lord Kenyon, 300. That, I think, is a sufficient authority, but I do not require any authority, and am prepared to lay down the proposition on my own view of the principles which should guide this court. Mr. O'Brien in his very able and most interesting argument only answered this view of the case by submitting to us that having regard to the course of events that have occurred since the conditional order was pronounced, we should not now make it absolute. He referred to the fact that no new attempt has been made on Mr. Bridge's life, and that justice has been vindicated by the conviction of Crowe. But we must regard the case as it stood when the conditional order was granted, and perhaps the more especially as this is not a motion on the part of the prosecutor to make absolute, but on the part of the

defendant to discharge that conditional order. To sum up in a few words all that I have said, I think leave should be given to Mr. Bridge to file the information, not because the libels commented unfairly upon his conduct towards the tenants, but because in so commenting they were calculated, I do not say intended, to incite to the commission of his murder, and in his regard to prevent the vindication of the law, and mar the administration of justice.

Mr. Justice Fitzgerald said—I concur in the decision which has just been announced, and generally in the reasons given for it, and I would not now add another word if it were not that the case presents considerations of importance to the public interests. The prosecutor, Mr. Bridge, asks for leave to file a criminal information against the defendant for publishing a malicious libel. If he complained of a wrong of a private nature, of imputations on his character, however grievous, which affected his reputation only—if his complaint related to matters between him and the defendant only, in which the public interests were not involved, I should have had no difficulty in giving full effect to the technical and practical rules first established by Lord Mansfield, and laid down in *R. v. Robinson* (1 W. Bla., 542), and which were in substance adopted in this country, and have since regulated the discretion of the court in granting or withholding leave to file an information at suit of a private prosecutor. Regarding this in the first instance as a complaint of a private libel, I must protest against this court being made the arena in which to discuss the management of Mr. Buckley's estate, the condition of its tenantry, or whether the rents are fair or exorbitant; but we must not forget that it is the prosecutor who has challenged this inquiry, and forced us to wade through the mass of voluminous affidavits now before us. He cannot complain if the court feels itself compelled to criticise his conduct as Mr. Buckley's agent, and to express its censure in respect of matters which would otherwise be beyond its proper province. The details have been already so amply observed on that I will only state that my strong impression is that the new rents imposed on the tenants of the district of Carrigeen were in many instances exorbitant and generally more than the occupiers ought reasonably have been called on to pay. I am bound to add that the manner in which the occupiers were called on and compelled to accept the results of a revaluation to which they were not parties, and in which they had no voice, was high-handed and oppressive. The prosecutor supplies no fair test as to the justice of the course pursued when he informs the court that even at the higher rents the occupiers would not give up their holdings for substantial sums of money. Let us take any one of the class of occupiers of this townland. To him his farm is

everything. He has probably lived and worked on it all his life, is skilled in no other labour, has no other means of existence, and if deprived of it may become a wanderer, without a home, until ultimately he finds one in the poorhouse. He will submit to a great deal to avoid such a result. When legal rights are sought to be enforced by ordinary process of law it is our duty to give effect to and enforce them without regard to consequences, but should legal rights be converted into an engine of oppression let it not be supposed that the oppressor is entitled to the aid of the extraordinary power of this court by criminal information. My brother Barry has gone so fully into the details of the case that I forbear from commenting on them, and shall only now observe that if we had to deal with this portion as if it was in respect of a private inquiry alone I should entirely concur in the opinion that the prosecutor does not stand before us in that unblemished position which would entitle him to the extraordinary interposition of the court, and that the rule should therefore be discharged. But the motion before us was properly put by Mr. Heron on public grounds so high that we must determine it irrespective of the merits or demerits of the prosecutor. It seems to me, too, to involve considerations so important to the public safety that we would disregard as inapplicable the rules of technicality and mere practice to which we give effect in ordinary cases, and go now straight to the true point. On the 22nd March, 1875, an attempt was made to murder the prosecutor; he was wounded, and obtained pecuniary compensation from the county. That was followed by the daring attack on the 30th March, 1876, in which Hyland was murdered and Mr. Bridge and the two policemen wounded. There can be no doubt that these crimes were perpetrated in consequence of a hostile feeling towards Mr. Bridge arising out of proceedings of him as agent over the estate, and which were alleged to have been capricious and oppressive. The object was to murder him. Under such circumstances, and in less than a fortnight after the murder, the defendant volunteered to publish the letter in the *Cork Examiner* of the 13th April, '76. I have used the word "volunteered," inasmuch as the defendant had no connection with the estate, and no duty to perform or individual interest to protect. He was not a public journalist, and it was not his province to instruct or give information to the public. He was but one of the public. No doubt as such he might, if he thought fit, become a publicist, and discuss publicly transactions which were of great public interest, but when he chose to do so, under circumstances of such gravity, it was his duty to write in terms of caution and moderation, to be truthful and accurate, candid in his criticisms, and, above all, to be aware lest the language he used might be calculated to incite to the perpetration of

crime. The letter of the 13th, or the materials for it, must have been in preparation immediately after the murder of Hyland; Crowe, one of the perpetrators, had been arrested and sent for trial at the county assizes, and the officers of justice were in pursuit of the others. Now, let us see what is the true character of the letters which the defendant published in the face of such a state of circumstances. The criticisms on these publications have been so full that I forbear to add any; but I am bound to say that the two letters, the subject of this motion, were under the circumstances calculated, though probably not intended, to stir up angry passion, to interfere with the administration of public justice, to hold up Mr. Bridge to detestation, and to incite to renewed attempts to murder him. The statement that ejectments had been served on 53 families, and "he will stand another shot or eject the 53 families," gives a character to the publication, and would probably be read but in one way by the people of the neighbourhood. I do not mean in the least to suggest that the defendant did, as a matter of fact, intend to incite to murder; but if his letters have that tendency it will be open to a jury to infer that he had such an intention, and if they should find so he cannot complain. *In re Lovett* (9 C. and P., 466), on the trial of an indictment for libel, when the question was the intention of the publication, Judge Littledale, in his instructions to the jury said, "A man must be taken to intend the natural consequences of what he has done, and if this paper has a direct tendency to cause a violation of the law that is sufficient to bring it within the indictment." In this direction, Judge Littledale was given effect to an established maxim of the law. If, then, the letters in question are of that character that the jury, with whom the ultimate decision must lie, may come to the conclusion that they were calculated to incite to further attempts on the life of Mr. Bridge, and so intended by the writer, when Mr. Bridge comes to the Court of Queen's Bench and seeks for protection, is the Court to refuse to exercise its powers because he does not stand before the Court irreproachable on the merits? It would, in my judgment, be unfortunate for the public peace and for the public interests if this Court was so to rule. The duty of the Court in the protection of life and repression of crime is paramount to any consideration of the alleged demerits of the prosecutor. That it is not unusual for the court to give liberty to file a criminal information in such cases appears from the King v. Smith (183), mentioned in Cooke on Defamation, p. 223, "for an advertisement tending to excite the people of Oxmoor to a riot," and *re Ganders*, for words spoken tending to excite a mob to violence against the prosecutor. It was urged on us that as "truth" would be a defence to the information we ought not to

make the order absolute, for it was alleged the affidavits made out that the statements in the libel were true in fact. There is no doubt that generally "truth" is an answer to a rule *nisi* for a criminal information, but can that be so where the charge is not of a private nature, but for a libel tending to incite to commit crime? The defendant indeed in the alleged libel writes:—"I can guarantee that every statement I have made is correct;" but, unfortunately, it happens that some of the material statements appear to be untrue. At present I express no opinion on this topic, but leave the defendant to establish, if he can, not the absolute truth of what he has published, but its substantial accuracy. The prosecutor came to the court promptly. Although delay has taken place, we must dispose of the motion now as of the date of the conditional order. He asks for our immediate interference for the purpose of preventive and protective justice, and in my judgment he is entitled to it. It has been urged that we should now leave him to the ordinary tribunals, and that there is no special benefit now to be gained from the proceedings in this court. It is not to be forgotten that on an information filed in this court we exercise full control over the proceedings, but especially in fixing the place of trial and in determining the sentence should there be a conviction. There was much said in the course of the discussion on the right to discuss publicly matters of public interest, and I desire to observe that nothing is further from our intention than to abridge the ample limits which wise modern decision has assigned to the wholesome freedom of public discussion and fair criticism on all matters of public interest. The law has recently made steady advances in this direction in keeping with modern thought and opinion for the public good, and it would seem now to be established that what a party writes on a matter of public interest with a *bona fide* desire to give the public information, believing what he writes to be true, is protected, provided that he does so without any sinister motive or evil intention. If such is the law we do not intend by our present rule to lessen its effect.

Mr. Justice O'Brien, in expressing his full concurrence with the views so clearly and ably stated by his brother Barry, said if the case rested merely on the imputation of libel upon private character he would have no hesitation in discharging the order, but, having regard to the atrocious crime committed shortly before the publication, and to the fact that the alleged perpetrator was at the time awaiting trial, he was of opinion that those publications (whether the charges of exacting excessive rents were well or ill-founded) could not be too strongly condemned. The difficulty he felt was that the prosecutor's affidavits contained very injurious and wholly unnecessary references to the character of Mr. Casey. Not only was reference made to his Fenianism,

but there was introduced, contrary to the rules, of the court, a statement which was manifestly inspired by a spirit of hostility to Mr. Casey, or from a desire to prejudice the court adversely to him, viz.—that in publishing the alleged libels he was influenced by the consideration of extending his father's custom as a publican, by making his house the resort of the tenantry, whose champion he gratuitously made himself. The principle that injurious and irrelevant statements in a prosecutor's affidavit would disincline the court to make absolute an order for criminal information was clearly laid down by the English Court of Queen's Bench, but while he entirely concurred with his brother Barry's comments on the prosecutor's affidavit, as to those irrelevant statements and their want of full disclosures, and as to the highly inexpedient and arbitrary notices by which the increased rent was demanded, he came to the conclusion, though with difficulty, that this rule ought not to prevent them from making the order absolute where it was a question of Mr. Bridge's personal safety. As to Sergeant Armstrong's intimation, that it was more than doubtful whether any further proceedings before a jury could be made effective, it was not for the court to assume that if Mr. Casey's guilt was sufficiently proved at a trial a jury would hesitate to do their duty. The conditional order would therefore be made absolute.

Mr. Butt, Q.C.—Have you said anything about costs ?

Mr. Justice O'Brien—We never do.

Mr. Butt, Q.C., pressed that the prosecution should be put under terms to file the information within a reasonable time, and not leave this charge hanging over the defendant.

Judge Fitzgerald said it was entirely in Mr. Butt's own hands to compel them to go on within reasonable time.

Mr. Butt, Q.C., said the English Court of Queen's Bench made it an actual condition of granting the information that it should be filed.

Mr. Heron, Q.C., said his learned friend need not be apprehensive that the proceedings would not go on.

Mr. Butt said if the information was filed the first day of next term, it was what the defendant wanted.

[A]

FROM *CORK EXAMINER*, 13TH APRIL, 1876.

THE RECENT AGGRARIAN OUTRAGE.

A CORRESPONDENT has sent us some details respecting the condition of the tenantry on the property of Mr. Buckley, and of the augmentation of the rent which it is believed have either directly or indirectly led to the fearful occurrence that has been of late so much in men's mouths. Mr. Casey in a private note writes to us, "I have taken great pains in making the necessary enquiries into the rents, &c., and I can guarantee that every statement I have made is correct."

From time immemorial the Earl of Kingston have possessed extensive estates in the counties of Cork, Limerick, and Tipperary. With all their political prejudices (and they were not a few) they were excellent landlords, so liberal in fact that the rents which they were accustomed to receive for farms would excite a smile compared with the rents which the same farms pay to-day. Like all Irish noblemen of the day they were peculiarly improvident. Their hospitality and extravagance were boundless. Pecuniary difficulties followed, and the consequence were that the extensive portion of the estates which lay in Limerick and Tipperary were sold and purchased by several parties. A sad day it was for the tenants in the Limerick portion that the estate changed hands; for though some few of the purchasers are to this day excellent landlords, many more swept the poor tenants off their properties, and where hundreds of happy homes once stood nought but sheep walks and pasture lands meet the eye.

In Tipperary tenants did not at this period loose by the change of masters. That portion was purchased by an English company, who has made similar purchases in various parts Ireland, and I have always heard that the tenants were treated by

them with kindness, justice and humanity, in fact, nothing could exceed the benevolence and obliging disposition of their agents here. I have at various times spoken with the tenantry on the subject, and have no hesitation in saying that the late Mr. Brogden, the last agent of the Company, is associated in their minds with everything kind and good, and noble. There was more genuine sorrow at his departure amongst the tenantry than at the death of a brother or sister, nay 'tis my firm conviction, that if portraits of that lamented gentleman could be had, every tenant, without exception, would deprive themselves of even the necessaries of life to procure one. So deep do acts of kindness from a superior sink into the hearts of the simple Irish peasantry; but deeper, aye, a thousand times deeper, do acts of a different kind sink into their hearts, as recent events have unhappily proved. Nor was this kindly feeling towards Mr. Brogden a solitary instance of the disposition of the peasantry. Before me, as I write, lies a copy of an address which, together with a valuable service of plate, was presented by them to Mr. Massy, agent to the Earl of Kingston, on the occasion of the sale of the estate. Mr. Massy was about to sever for-ever his connection with them, so they could not have been actuated by the selfish motives which are so characteristic of such questionable compliments paid at the present day to landlords and agents. In his reply Mr. Massy says, "Many a sleepless night have I had thinking on the sad scenes which the necessities of my position, and the watchfulness of a most hostile party compelled me to enact. The performance of such a painful duty was, however, rendered less disagreeable by the patience, order, and excellent conduct of the tenantry—conduct which, for the twenty-years I am engaged in the management of landed property, I have never seen equalled elsewhere, and which, under their privations, I consider to be almost miraculous I have ever found Lord Kingston most anxious to assist the wishes of the needy. . . . It is to be supposed that the passing of the estates into new hands is not far distant when my connection with you will be severed. Yet, I trust it will be for the benefit of the tenantry, and that the new owners will treat them with the forbearance and generosity to which they are so well entitled by their honesty and excellent conduct." This was in 1852, when the country had not recovered from the effects of the famine.

In 1873 the land company dissolved, the estates were sold, and Mr. Nathaniel Buckley, of Ashton-under-Lyne, one of the wealthiest members of the company, was declared purchaser with Mr. Bridge, as his agent.

Before proceeding further, it may be well to give a description of the estate, its situation, soil, etc., etc. Far away

towards the south where the undulating ridges of picturesque Galteemore pierce the clouds to the romantic regions of Araglin, so celebrated in poetry, stretches a vast monotonous plain which, for dreariness, is scarce surpassed by any in the south of Ireland. This immense plain, containing some thousands of acres, forms one part of the estate, the remainder consists of an unknown number of acres of almost inaccessible glens, and precipitious slopes of the mountain, from the base to an elevation of upwards of 3,000 feet above the sea level. In the centre of this plain lie the far famed caves of Mitchelstown, and tourists who have explored the depths of these wonderous caverns will learn, with feelings of regret, that the artless inhabitants of the neighbourhood are doomed to a fate the most dreadful that can be imagined—the poorhouse. Though, on the borders of Limerick and Cork this region is as remote from the busy world as if situated in the heart of the Sahara. No post boy, no telegraph, no train has, as yet, penetrated there. The inventions of science, even as regards agriculture, are to them as a sealed book. The vital questions upon which often depends the fate of nations or of governments only reach them when they are forgotten by the world outside, with the exception of a stray sportsman who, in the autumn, traverses the mountain in search of game, or a few parties of tourists who visit the caves. No stranger ever disturbs the solitude. The people living among themselves, and, until recently, were contented and happy. It is no exaggeration to say that the hardest and most industrious race in Europe find a home in these glens or on the mountain side. Oriental travellers love to dwell upon the ingenious industry of the Chinese, but even in the celestial Empire no such phenomenon is presented as a barren heath covered mountain, rendered arrable in many parts, and forced to produce a few of the necessaries of life at an elevation higher than that of the highest mountain in England. Climb with me the barren or rather dried up bed of some mountain torrent which, in winter, foams and dashes to the valley below, it winds in a zig zag manner for three or four miles to the summit, and is only accessible to a race of horses peculiar to the district, and is in most cases the approach to the cabins of the peasantry which are often perched on the edge of some over-hanging cliff in a situation only fit for the eyrie of the mountain eagle, you stand amazed at the height and depth of the stone fences which separate one holding from the other—such masses of huge boulders of every conceivable shape would make one imagine that he stood amid the ruins of Thebes or Babylon, or of some of those mighty Eastern cities which flourished long before Christianity was preached to the world; yet, it has been the work of years to dig, and quarry, and remove these stones as a first step towards reclamation.

One townland inhabited by several hundred people is called Carrigeen, or the "Little Stones," the surface being, in fact, a mass of small stones, and situated 2,000 feet above the sea. How the inhabitants obtain food here, much less pay rent, is a mystery to most people, as their holdings consist of tracts of heath, upon which a few score of goats browse, some portion of which the tenants reclaimed, and which *are prevented only by their untiring industry from relapsing* unto their original sterility. Yet it is in this and the surrounding districts that the rent has been increased FIVE HUNDRED PER CENT. in many instances, as it will hereafter be shown. The whole side of the hills is cold and bare. A little oats and potatoes are the only crops the soil is capable of producing, even there the heath forces its way, chokes the crops, and during the short winter days it requires the unceasing labour of the cottier and his family to again eradicate the heather. Did the tenant depend on the produce of his crops, or even on the butter (the yield in the most favoured spots being little above a ferkin), he could never pay even the old rent; but they possess flocks of goats, and from dawn till dark they work unceasingly. Down in the plains there is not much improvement. The land is of a marshy nature, more adapted as the home of the snipe than of men made to the image of God.

It is a fact that years ago two gentlemen, land agents I believe and sworn valuers, walked this property, and on their oaths declared that they could fix no value on the lands so sterile and unproductive were they.

It is a fact that since this the tenants, unassisted, by continued digging and subsoiling, and in many instances bringing manure on their backs, reclaimed their various holdings, and whilst land with better bottom on adjoining estates is lying unproductive to its owners those poor cottiers have made the worst of land a source of revenue for years to their landlords.

It is a fact that the humblest fare forms the ordinary food of these people, and that many of their children, and even the wives of some are forced to earn their bread from the wealthy tenants on the surrounding estates.

It is a fact that civil bill decrees have been obtained years ago against many of the tenants who possess no assets whatever beyond a mud cabin, a patch of potatoe garden, and a few rickety chairs, and an old table.

It is a fact that many of even the better class of tenants were obliged in consequence of the bad harvests of the past few years to load and draw timber from the glens of the mountains to Fermoy station, sixteen miles distant, at six shillings per ton.

It is a fact that many of the tenants on the estate on the estate of Mr. Buckley are recipients of out-door relief, yet there

is an attempt made to enforce an increase of five hundred per cent. on their rents. Ejectments have been served on fifty-three families. "He will stand another shot or eject the fifty-three families."

The first act of Mr. Bridge on being appointed agent was to re-value the lands. Mr. Bridge accompanied by Mr. Walker walked the lands, and the result was that at one stroke of the pen the rents were raised from fifty to upwards of FIVE HUNDRED per cent. When the poor people were expecting a reduction, the rents were trebled. Subjoined is a list of a few of the tenants with the old rent and the proposed rent—

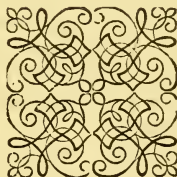
	£	s.	d.	£	s.	d.	
Patrick M'Namara	...	3	6	0 to 17	12	0	
John M'Namara	...	5	18	0	13	8	0
James Maguire	...	3	8	8	10	5	0
James Murphy	...	3	0	0	13	0	0
John Maguire	...	5	0	0	10	0	0
Mrs. Fennell	...	2	0	0	4	16	4
John Casey	...	3	18	9	9	7	3
Michael Ryan	...	5	9	6	15	16	6
Darby Nash	...	0	10	0	1	15	0
Pat Stattery	...	10	7	0	21	0	0
John Carroll	...	1	19	0	4	0	0
John O'Brien	...	1	8	0	3	15	0
Widow Downey	...	0	5	0	1	0	0
Maurice Fitzgerald	...	1	18	6	6	10	0
James Hyland	...	2	16	0	6	2	0
Widow M'Grath	...	3	8	0	7	2	6
Terence Murphy	...	3	5	0	7	7	9
Darby Mahony	...	2	0	0	4	0	0
John Carroll	...	1	4	0	3	7	0
Mary English	...	0	19	0	3	0	0
Pat Leonard	...	1	5	0	3	0	0
James M'Grath	...	0	5	0	3	0	0
Thomas Payne	...	9	13	4	20	1	3
Mrs. Sheehy	...	42	0	0	59	0	0
William Sheehy	...	10	12	4	16	10	0
James Payne	...	3	13	3	7	13	3
John Hyland	...	35	5	0	53	16	6
Connor Lyons	...	0	2	6	1	0	0
John Flynn	...	5	15	0	17	7	0
Pat Kiely	...	5	18	4	11	0	0
Michael Gorman	...	1	6	5	3	13	6
Thomas Hyland	...	5	0	0	10	0	0
Tim Russell	...	6	18	10	10	10	0
John Duggan	...	2	11	0	6	1	0

		£	s.	d.		£	s.	d.
Michael Regan	...	5	9	6	to	15	16	0
Patrick Keily	...	12	8	6	„	20	10	0
Tim Kearney	...	5	12	0	„	17	10	0
Tim Leonard	...	2	6	0	„	6	8	6
Richard Condon	...	1	2	10	„	3	0	0

These figures speak for themselves. They are by no means the worst cases. Several exceedingly poor people, whose former rent was but one shilling, are now obliged to pay twenty shillings per annum, and the Lord only knows how these poor people obtain wherewith to eat.

This is the true account of the tenantry on a property which it is no exaggeration to say has for the past week engaged the attention of the civilized world.

J. S. CASEY.



[B]

THE LATE OUTRAGE NEAR MITCHELSTOWN.



TO THE EDITOR OF THE FREEMAN.

Mitchelstown, April 24th.

SIR,

Through the kindness of a reverend friend I was enabled to see the *Freeman* of the 15th inst., containing a letter signed "E. B. Smith," Derryvale, Roscrea, your editorial comments on that document, together with general remarks on the Mitchelstown Outrage. Had Mr. Smith perused my letter in the *Cork Examiner* of the 13th inst., wherein a very minute account of the state of the tenantry, under Mr. Bridge, was given, and which account, incredible as it may seem, still remains uncontradicted, I doubt whether he would have penned his note of the 13th. His letter is simply one eulogy of Mr. Bridge, an *ex parte* statement as if Mr. Bridge gave a character of himself. Of his character, as a land agent, of Mr. Bridge's dealings with the tenantry, I presume he knows no more than he does of the internal affairs of Timbuctoo.

As far as I can learn, Mr. Bridge's private character has not been assailed. I have no doubt but he is all his Mr. Smith describes him to be in his dealings with his equals; but, his dealings with Mr. Buckley's tenants, your readers can judge from the facts I am about to give. Who is Mr. Smith? is a question which naturally suggests itself after perusing his letter. He is uncle to Mr. Bridge, and lives far away from Mr. Buckley's property. It is a strange fact that all Mr. Bridge's friends, but two, have written in favor of his action towards the tenantry—one his uncle the other his solicitor. As many readers of the *Freeman* are ignorant of the nature of the demands made by Mr. Bridge on the tenants, and as this matter is just now attracting the attention of all English-speaking people, I trust I

may be excused if in the interest of justice I ask space for a communication, which must necessarily be lengthy, in the columns of your widely circulated journal.

Few spots there are on this verdant isle of ours which present to the tourist such an expanse of dreariness as that vast plain which, stretching from the Galtees, is lost towards the south in the romantic regions of Araglin. In the centre of this plain, which forms one part of Mr. Buckley's estate, lie the far-famed caves of Mitchelstown. The remainder consist of the glens and ravines, and slopes of the Galtee range, from its base to an elevation of upwards of 3,000 feet above the sea level.

There are many old men still living who remember a time when the whole mountain sides were clad with a thick coat of brown heath. Deer, hares, grouse and every description of game found therein a safe retreat. Where the soil was so utterly barren as to be incapable of producing even the scantiest heather, the surface was covered with huge boulders of every conceivable shape. Whole tracts of the mountain are to this day still clad with brown heath, offering a most stubborn resistance to the dogged and unceasing industry of the tenants, and tracts equally extensive consist of nothing but one desert of stones, from the large boulder to the smallest pebble. The present tenants and their fathers came upon the scene, and from early dawn until long after sunset they unceasingly worked at digging and delving and quarrying; they eradicated the heather on the more favourable parts; they collected the tens of thousands of loads of stones which were strewn along the mountain sides; they drained, they subsoiled; they watered the barren soil with their sweat and the sweat of their little ones; ill-fed, ill-clad, in heat and cold and rain, and mist and snow, they toiled unceasingly, they toiled unassisted by any external help, and their admirable industry was rewarded by the conversion of the bleak mountain into a garden. Had the fee-simple of their little holdings been guaranteed them for half a century, it would ill-requite them for the enormous amount of labour which was expended, and which is still daily expended to prevent their holdings from returning into their original sterility. One extensive district, comprising many hundred acres, is called Carrigeen, or the "Little Stones," being in fact one mass of small stones. Yet this spot, situated between two and three thousand feet above the sea line, so exposed to the fury of the elements that the snow remains there for weeks after disappearing from the valleys below, is thickly populated, and has been in many parts brought to a state of comparative fertility. So steep and inaccessible is the mountain here that the poor cottier is often obliged to carry manure on his back. Like oasis in the desert, the reclaimed spots appear scattered here and there in the back ground of heath. The

holdings are in most instances separated from each other by stone fences of such depth and thickness that a railway engine might run on the top. So great is the quantity of stones removed from the surface of the smallest holdings, that a good sized town might be built of them. Huge heaps of stones are to be found in very many fields like cocks of hay, so utterly impossible is it even for the tenants to remove them. This being the case, can we wonder at the sworn testimony of two land agents, who years ago declared upon their oaths that the land was in such a state of hopeless barrenness that they could fix no value on it.

Yet this is the townland which Mr. Bridge considers let so immeasurably below its value, that the increase he demands is only from fifty to five hundred per cent. In these mountain districts the cabins of the tenantry are perched on some overhanging cliff, the sole approach being the dried up bed of some torrent which in winter dashes to the valley below, and few I think except the present occupiers would be desposed to accept a present of their holdings on conditions of residing there. From the great altitude of many of these districts and the natural sterility of the soil, the utmost labour of the cottiers can succeed in obtaining but the scantiest crop of oats and potatoes from the land. Despite all his industry—and it is increasing—despite the thick coats of manure which season after season he spreads on the land, the nature of the soil asserts itself, and through the oats and potatoes the purple coloured heather forces its way and engages the toil of the cottier during the winter months to prevent it returning into its original sterility. Fortunate will the tenants of Mr. Buckley along the mountain slope consider himself if he can grow sufficient potatoes to supply his family during the year; more fortunate still, if he succeeds in obtaining little over a firkin of butter from each cow. Though the most artless and industrious amongst our people, they are the worst clad and worst fed people in Ireland.

Hundreds of the tenants never eat meat, they cannot afford such a luxury even at Christmas. Potatoes “dipped” in a little new milk and salt form at the present day the principal meal for them. With bared feet in many cases they dig, and plough, and drain, to make ends meet. With few exceptions the lands in the plains and towards Araglin presents a cold dreary appearance. Like the mountain slopes, these holding were reclaimed from almost hopeless barrenness, and, to use the expressive phrase of one of the tenants, are “better adapted as the home of the snipe than of men made to the image of God.” Did the farms remain untilled one year, the next year would find them relapsed into their original sterility; and even as it is, notwithstanding the cottier’s astonishing industry, field after field is

returning to barrenness. In no other country in the universe is such a phenomena to be seen as a barren mountain reclaimed and forced to yield the necessities of life at an elevation higher than the submit of the highest mountain in England, and in no other country in the world would the industry of the poor peasant be so taxed as in this unhappy isle of ours.

Some of your readers may exclaim, "If the holdings of these poor people be so wretched how could they possibly live and pay rent heretofore?" Thereby hangs a tale. The poor people live on the scantiest fare, they hire their children, and in some instances even their wives to the wealthier farmers, the wages so earned helps to pay the rent. In many cases they possess flocks of goats, and owing to the bad harvests of the past few years, such as had horses were glad to carry timber from the glens of the mountains to Fermoy, distant sixteen miles, for six shillings per ton. The tenants cut turf in the mountains and sell it in the towns, others cut heath and earn a few pence by disposing of it, though the produce of what they could sell in six months would not put a decent suit of clothes on their backs, others scrape their rent together by making the commonest of "sugan," chairs, stools, &c., and how the slender earnings of the poor people obtain even the necessities of life for them is a mystery. Some of them are the recipients of out-door relief, and there is now prospect of many more I fear ending their days in the poor-house.

That the tenants are not the blackguard murderous set which some would lead the public to believe may be gathered from the following extract from a reply made by Mr. Massy, agent under a former landlord, the Earl of Kingston, in 1852, to the tenants on the occasion of their presenting him with an address and a valuable service of plate. He was then about to sever for ever his connection with the Kingston property. The purity of their motives is, therefore, unquestionable. He says—

Many a sleepless night have I had thinking on the sad scenes which the necessities of my position, and the watchfulness of a most hostile party, compelled me to enact. The performance of such a painful duty was, however, rendered less disagreeable by the patience, order and excellent conduct of the tenantry—conduct which, for the twenty years I am engaged in the management of landed property, I have never seen equalled elsewhere, and which, under their privations, I consider to be almost miraculous . . . I have ever found Lord Kingston most anxious to assist the wishes of the needy. . . . It is to be supposed that the passing of the estates into new hands is not far distant, when my connection with you will be severed; yet, I trust it will be for the benefit of the tenantry, and that the new owners will treat them with the forbearance and generosity to which they are so well entitled by their excellent conduct.

This is the disinterested testimony of a gentleman at the time when the Irish people were plunged in the direst misery

and distress caused by the famine. Three years ago Mr. Bridge, accompanied by a Mr. Walker, "walked" the lands, the result being that the rents were raised from fifty to upwards of five hundred per cent.!! The rents of some poor creatures, for a miserable cabin of mud and rushes in a mountain ravine, which was but one shilling, was raised to twenty-five shillings, and in some instances to thirty shillings per annum; and I doubt if these poor people ever possessed together half-a-crown. When tenants expected a decrease the rents were trebled. Many tenants, terrified at the idea of eviction, agreed to pay the increased rent; but shrewd men consider that they cannot pay that and live. One poor man who had reclaimed his holding appalled at an advance from £7 to £12, refused to pay the increase. Being served with a "notice to quit," he yielded and had to sell one of the two cows which composed his whole stock to make up the advance. On offering the advance to Mr. Bridge he refused it saying, "that he wanted possession of his farm not rent."

Similar cases of hardship might be given. In all about fifty-three "notices to quit" have been served. That Mr. Bridge is determined to eject these families, may be gathered from the fact that one of his first acts, on being restored to health, was to order his bailiff to demand possession of such as had not arranged with him. Holy Week was the time selected for such a demand. Even to all who submit, leases will not be given, as Mr. Buckley reserves to himself the right of converting, at any moment, his whole property into one vast preserve.

For the information of your readers I subjoin the list of tenants, with the old and the increased rents, which appeared in the *Cork Examiner*; I also give additional names and could easily treble the number.

		£	s.	d.	£	s.	d.
Patrick M'Namara	...	3	6	0	to 17	12	0
John M'Namara	...	5	18	0	„ 13	8	0
James M'Guire	...	3	8	8	„ 10	5	0
James Murphy	...	3	0	0	„ 13	10	0
John Maguire	...	5	0	0	„ 10	0	0
Mrs. Fennell	...	2	0	0	„ 4	16	4
John Casey	...	3	18	9	„ 9	7	3
Michael Ryan	...	5	9	6	„ 15	16	6
Darby Nash	...	0	10	0	„ 1	15	0
Patt Slattery	...	10	7	0	„ 21	0	0
John Carroll	...	1	19	0	„ 4	0	0
John O'Brien	...	1	8	0	„ 3	15	0
Widow Downey	...	0	5	0	„ 1	0	0
Maurice Fitzgerald	...	1	18	6	„ 6	10	0
James Hyland	...	2	16	0	„ 6	2	0

		£	s.	d.		£	s.	d.
Widow Magrath	...	3	8	0	to	7	2	6
Terence Murphy	...	3	5	0	„	7	7	9
Darby Mahony	...	2	0	0	„	4	0	0
John Carroll	...	1	4	0	„	3	7	0
Mary English	...	0	19	0	„	3	0	0
Pat Leonard	...	1	5	0	„	3	0	0
James Magrath	...	0	5	0	„	3	0	0
Thomas Pyne	...	9	13	4	„	20	1	3
Mrs. Sheehy	...	42	0	0	„	59	0	0
William Sheehy	...	10	12	4	„	16	10	0
James Pyne	...	3	13	3	„	7	13	3
John Hyland	...	35	5	0	„	53	16	6
Connor Lyons	...	0	2	6	„	1	0	0
John Flynn	...	5	15	0	„	17	0	0
Pat Kiely	...	5	18	4	„	11	7	0
Michael Gorman	...	1	6	5	„	3	13	6
Thomas Hyland	...	5	0	0	„	10	0	0
Tim Russell	...	6	18	10	„	10	10	0
John Duggan	...	2	11	0	„	6	1	0
Michael Ryan	...	5	9	6	„	15	0	0
Tim Kearney	...	5	12	0	„	17	10	0
Tim Leonard	...	2	6	0	„	6	8	6
Richard Condon	...	1	2	10	„	3	0	0

ADDITIONAL NAMES.

James Maguire	...	3	8	6	„	10	5	0
James Cunningham	...	3	15	0	„	10	0	0
James Mullins	...	3	1	0	„	8	3	0
Matt Hyland	...	0	12	0	„	3	10	6
Bill Fitzgerald	...	11	10	0	„	31	0	0
Ter Doherty	...	20	0	0	„	32	0	0
Michael Mullins	...	4	0	0	„	14	4	0
Tim Cahill	...	13	5	0	„	23	1	3
Dan Cahill	...	6	18	9	„	21	0	0
Edward Fitzgerald	...	1	7	6	„	2	17	6
Patt Lonergan	...	3	18	10	„	8	15	0
Wm. Carroll	...	1	7	0	„	3	0	6
Ned Darney	...	2	6	0	„	4	14	0
Ned Walsh	...	11	15	0	„	19	15	0
John Jackson	...	16	13	0	„	27	0	0
John Flynn	...	1	2	6	„	3	1	6
John O'Brien	...	2	15	0	„	6	18	0
W. Burke	...	1	10	0	„	3	0	0
Mary Condon	...	0	2	6	„	1	5	0
Michael Noonan	...	2	14	0	„	5	14	0
Michael Greene	..	2	2	6	„	4	14	0

		£	s.	d.		£	s.	d.
John O'Brien	...	1	10	0	to	3	0	0
John Dunne	...	2	10	0	„	6	0	0
John Gorman	..	0	9	6	„	3	10	0
Richard Condon	...	1	2	10	„	3	0	0
John Duggan	...	2	11	0	„	6	1	6
Thomas Hickey	...	3	6	10	„	7	10	0
John M'Grath	...	2	8	0	„	3	18	0
Tim Hyland	...	4	17	6	„	7	2	6
Catherine Leonard	...	0	7	6	„	1	0	0
William O'Neill	...	1	12	0	„	3	3	0
Patrick Kearney	..	1	8	6	„	3	3	6

The thoughtful reader will perceive that where the holdings are smallest and the soil poorest the increase is most crushing. A list of names three times as long as the above, and containing increases equally excessive, could easily be given, but for practical purposes the present will suffice. It is the general opinion that the rental has been more than doubled. Should Mr. Smith feel disposed to visit this district I will undertake to guide him through the estate over which his nephew is agent, and to show him more genuine misery in one hour than he ever beheld in his life. The substance of the above appeared in the *Cork Examiner* of the 13th inst., and though copied into many of the provincial, and some of the metropolitan, papers, it still remains uncontradicted. Your readers will, therefore, decide who is more worthy of credence—Mr. Bridge's uncle or your obedient servant,

J. S. CASEY.

COURT OF QUEEN'S BENCH
CROWN SIDE.

THE QUEEN
AT THE PROSECUTION OF
PATTEN SMITH BRIDGE
AGAINST
JOHN SARSFIELD CASEY.

AFFIDAVITS OF TENANTS ON MR. BUCKLEY'S ESTATE.

THE QUEEN

AT THE

PROSECUTION OF PATTEN SMITH BRIDGE

AGAINST

JOHN SARSFIELD CASEY.



I, JOHN SARSFIELD CASEY, of Mitchelstown, in the County of Cork, Accountant, aged 25 years and upwards, make oath and say :—

1. I am the Defendant named in a Rule for Criminal Information issued out of this Honourable Court at the suit of Patten S. Bridge, Esq.

2. I have read the printed and written documents purporting to be copies of the Affidavits of Patten S. Bridge, Joseph J. Walker, Nathaniel Buckley, Edward Green Foley, and Patrick Kelly.

3. I admit that I am the writer of the letters mentioned in the said Rule for a Criminal Information.

4. I say that I reside in Mitchelstown, in the County of Cork, where my father carries on business as a dealer in hides, feathers, and eggs, which I conduct for him, and in the course of which I am brought into daily contact with the farmers of the surrounding districts, and among others with tenantry on Mr. Buckley's estate, a large number of whom are my father's customers, and among whom are many friends of my family, and some my relatives. A still larger number of the said tenants—I believe the majority—frequent the fairs and markets, and deal with

the traders and shopkeepers of the said town, who are, therefore, deeply interested in their well-being and prosperity. I have had for many years the most ample opportunities for becoming acquainted with the circumstances and condition of a large proportion of the said tenants, and with the situation and character of their holdings.

5. I say that before and at the time of the purchase of the said estate by Mr. Buckley, it was within my personal knowledge that a great number of the said tenants were in very poor circumstances, many of them living in wretched cabins, and able to afford only the meanest food and clothing. I was aware that many of the said tenants were in debt (some to my own father), incurred to supply themselves and their families with the necessities of life, and that Civil Bill decrees for such debts had been obtained against them. I can say from personal observation that the said tenants were as a body most industrious, and that it was only by unremitting toil from morn till night on their own farms, and the wages earned by themselves or members of their families, they were able to obtain a scanty subsistence and pay the rents then payable out of their holdings, which are mostly of small extent, and situate on the sides or in the glens of the Galtee Mountains, and on the plains at the foot of these mountains. As evidence of the industry and character of the tenantry at an earlier but still recent date, I refer to a printed copy of an address from the said tenants and their predecessors to John Massy, Esq., and his reply thereto, on which, marked "A," I have signed my name at the time of swearing this Affidavit. The said printed copy was in the possession of Robert Keely, one of the tenants on said estate, and was given by him to me about four years ago, and is, I believe, a true and genuine copy of the said address and reply.

6. I say that after the said estate had been purchased by Mr. Buckley, and increased rents had been demanded by his agent, Mr. Bridge, from the tenants, the dissatisfaction of the tenantry became notorious, and in conversation with many of them, amongst others with Patrick Kiely, James Maguire, Edmond Darney, John Casey, Michael Regan, John M'Namara, John Slattery, and Patrick Burke, I was made acquainted with the particulars of their holdings and the nature of their grievances.

7. I honestly believe that the enormous increase of rent exacted suddenly from an impoverished tenantry would inevitably drive numbers from their little holdings, and force them into the workhouse or into the emigrant ship.

8. I say that after the outrage on Mr. Bridge, on the 30th March, 1876, I read in the public Press reports and articles referring to the condition of the tenantry on Mr. Buckley's estate, and discussing the conduct of Mr. Bridge as agent over the said estate, and his dealings with the tenantry. I refer to a copy of the *Cork*

Weekly Herald of Saturday, April 8th, 1876, into which is copied an article from the *Daily Telegraph*, headed, "The Mitchelstown Outrage," and to a copy of the *Nation* of the same day, in which extracts appear from some of the newspapers circulating in the south of Ireland, and to extracts from articles in the *London Times* and *Standard*, which appeared previous to my said letter, and to an extract from the *Irish Times* of April 8th, 1876, purporting to be a letter from Robert Sargint, solicitor for the said estates, in which, among other things, he appears to suggest that the tenants on the said estate connived at the said outrage on Mr. Bridge. I also refer to a copy of the *Freeman's Journal* of April 15th, 1876, in which a letter appears, signed "E. B. Smith," and to a leading article in the same journal, commenting on the said letter, and on statements in my letter to the *Cork Examiner*, and I say that it was said letter and leading article appearing in a journal which circulates in a part of Ireland where the *Cork Examiner* does not circulate which caused me to write said letter to said *Freeman's Journal*.

9. I say that from reading the said articles, reports, and letters, and many others which I have not been able to lay my hands on, I honestly believed that some of the writers thereof were not accurately or sufficiently informed as to the facts and details connected with the said estate and tenantry, and that public opinion was being misled, and undeserved odium and indignation being excited by the mistakes and misrepresentations in some of the said reports and articles against the said tenants who, I believe are, as a body, a peaceable and inoffensive people.

10. Having a special knowledge of the facts, I felt it to be my duty to the public and to the said tenantry to do what I could to counteract the effect of these misrepresentations so injurious to the said tenantry, and to inform public opinion on a subject which was then a matter of public discussion in the leading journals of the United Kingdom. I swear that I wrote the said letter to the *Cork Examiner*, believing the facts therein stated to be true, and believing that it was for the benefit of the said tenantry and of the public at large that these facts should be known. I positively swear that I did not mean or intend thereby to excite any fresh outrage on Mr. Bridge or any other person. I deplore and abhor such outrages as much as any man in the community.

11. I know nothing of the circumstances under which the said Mr. Joseph Walker made the valuation of the said estate as mentioned in the 3rd paragraph of the Affidavit of the said Mr. Bridge, but I know that there were in the neighbourhood of the said estates gentlemen of the highest character and competency, land agents, and others, viz.: Richard Henry Farrar, Esq., the agent for the Countess of Kingston, Lord Massy, and others; George L. Bennett, Esq., agent for Doctor Duncan, of Dublin;

and — Taylor, Esq., agent for Lord Lismore—who, from their knowledge of estates in the vicinity and the value of same, would, in my opinion, be more likely to come to a just and accurate valuation of mountain farms than, I believe, the said Mr. Walker was.

12. In reply to the 5th paragraph, I say that I never saw the rental of the said estate, and had no means of seeing it or becoming acquainted therewith. The statements in my said letter respecting the increase of rent were based on information supplied from time to time by the said tenants. I refer to a list in my possession at the time I wrote said letters, on which, marked with the letter "B," I have written my name at the time of swearing this Affidavit, giving the particulars of the old and new rents of about 180 tenants, by which it appears that the rents of the said tenants were increased by an average of upwards of 60 per cent. The said list is a true copy of one given to me by the Reverend William Burke, Catholic curate of Ballyporeen, and which he informed me was compiled from information given to him by the tenants therein named. I believe the particulars therein stated to be accurate; I also refer to a packet of notices served on the said tenants, many of which were in my possession at the time, demanding and fixing such increase, all of which I believe to be genuine, on which packet, marked with the letter "C," I have endorsed my name at date of swearing this Affidavit. I say that it was from these sources, as well as from conversation with tenants themselves, I obtained the information on which I wrote my said letters, and I swear that it is grossly untrue that I artfully or unfairly culled the instances given in my said letters. On reference to the said list, it will appear that there are many more striking instances of increase than those mentioned in said letters.

13. I say that the reputation of the said Mr. Bridge among the people of the Kingston property, of which he was formerly agent, is, that he is a man who is disposed to unduly increase the rents of the tenants, and did increase them in very many instances to my own knowledge, when he was agent over the Kingston property. I refer to the affidavit of Mr. James Hennessy, of Ballylanders, as evidence of the disposition of the said Mr. Bridge in this matter.

14. In reply to the 7th paragraph, I say, and submit, that the fact of some of the said tenants having agreed to pay the said rents, is no evidence of the justness thereof, for they had no alternative but to do so or to lose their farms. I refer to the affidavit of a number of the said tenants in support of this statement. I had no knowledge of the circumstances of the tenant named Ryan, mentioned in said paragraph, nor is his case mentioned in said letters, nor any reference whatsoever made thereto.

15. I admit that in the year 1865 I was convicted at the Special Commission, held in Cork before Mr. Justice Keogh and

Mr. Justice Fitzgerald, of Fenianism, and sentenced to 5 years' penal servitude, as stated in the 10th paragraph of the said affidavit. I was then a mere youth, not more than 18 years of age; and having served the term of my servitude, I returned to Ireland, and have since attended to or conducted the said business of my father, and have never been accused of any offence whatsoever.

16. I say that the description of the said estate, and of the condition of the said tenantry in the said letters, is not false or distorted; but, on the contrary, is true in every material particular, and I refer to the affidavits sworn and filed in this case as evidence of the truth of these statements.

17. I say that I read in the *Cork Constitution*, the principal Conservative organ circulating in the south of Ireland, and to which I believe and charge that Mr. Bridge is a subscriber, a statement in the report of the said outrage in the words following:—“It is a fact that the farmers (meaning the farmers on the said estate) have to seek out-door relief to enable them to support their families with the merest necessities for sustaining life.” I have endeavoured to get a copy of the said paper, but have failed to do so. I refer, however, to an extract from the said report appearing on the *Nation* newspaper of April 8th, 1876. I say that the said statement was not contradicted, and I believe it to be true.

18. I believe that in the month of March, 1876, no less than ten tenants of one district on the said estates, called Barnahown, were recipients of Poor Law relief in the Union of Clogheen. I was informed by Doctor Delany, parish priest of Ballyporeen, and believe that in the said month of March, 1876, a memorial, on a draft of which, marked “D,” I have written my name at the date of swearing this Affidavit, was forwarded to the Lord Lieutenant on behalf of the tenantry of the said district, and was signed by two or more clergymen, two magistrates, one manager of a bank, and from thirteen to fifteen gentlemen of different political opinions. I am further informed by said Doctor Delaney, and believe, that his Excellency acted on said memorial, and remitted the said tax. I, through my solicitor, caused an application to be made to Mr. Burke, Under Secretary, Dublin Castle, for a copy of said memorial, and the ruling thereon, to which a reply was sent that the request contained in my solicitor's letter could not be complied with, on which reply, marked with the letter “E,” I have endorsed my name at the date of swearing this Affidavit.

19. I admit that I made a mistake in my said letter to the *Cork Examiner*, in stating that 53 ejectments had been served. I was so informed by some of the tenantry who usually call notices to quit ejectments, and a similar mistake was previously made by the *Cork Herald*. In my letters to the *Irish Times* in its issue of April 14th, 1876, and to the *Freeman's Journal* in its issue of April 27th, 1876, I corrected the said mistake.

20. I say that in the 12th paragraph of his said affidavit, while contradicting me on a mere technical mistake, Mr. Bridge suppresses from the Court the fact that certainly over 50 notices to quit—and, as appears by the numbers on the said notices, apparently over 100 notices to quit have been served on the tenants on their refusing to pay increased rents; and that as the fact is, these notices to quit were followed by a demand of possession in Holy Week. I refer to a packet marked “F,” upon which, at the date of swearing this Affidavit, I have endorsed my name, containing over 50 notices to quit, and served on the tenants. I am informed, and verily believe, in many cases of ejectments, for the next Quarter Sessions in Clonmel, have been served upon the tenants in pursuance of these proceedings.

21. I believe it is a fact that while the Kingston estates were in the hands of Messrs. Eyre & Company, mortgagees, and Mr. John Sadlier, as their manager, the said Mr. Bridge was promoted by the said John Sadlier from being an officer of the Tipperary Joint Stock Bank to be agent for the said mortgagees over the said estates; but I say that I believe it is not true that no complaint was made against him by any of the tenants on the said estate, or that the tenantry thought him a fair or considerate agent, for I say, that I have heard from many tenants on the said Kingston estates, and amongst others from Garrett Condon, Michael Corbett, and Lawrence Flynn, and believe, that he was regarded by the said tenantry as a hard and exacting agent, and I refer in proof of the unpopularity to the affidavit of John O'Brien; I also refer to the affidavit of William Fitzgerald, Derrylahan.

22. I say that I know nothing whatsoever about the alleged threatening letters mentioned in the 14th paragraph of the said affidavit, and I say that it is wholly false that I, before or since the publication of my said letters in the *Cork Examiner* and *Free-man's Journal*, have gone through the said estates making inflammatory speeches, or any speeches to the said tenants. I say the said statement is destitute of any foundation whatsoever. I say that the facts stated in my said letters were perfectly well known to the tenantry on that and the surrounding estates, and I do not believe it is possible that the publication of the said letters could affect the feelings of the people. I swear that my sole object in writing these letters was the hope that by bringing public opinion to bear on the management of the estate, a fair settlement might be obtained for the tenants, and to correct the misrepresentations which had appeared in the newspapers concerning the said tenants and estates.

23. I say that from conversations which I have had with many of the said tenants, it is not true that each and all of them knew perfectly well that they could obtain fair and reasonable terms from the said Mr. Buckley and Mr. Bridge, or that there

was no intention to disturb them. I say that from the said conversations I am convinced that many of the said tenantry believe that they will be turned out of their farms unless they agree to pay the increased rents. I say that I do not believe that it is not the intention of the said Mr. Bridge to evict the tenants, for I say, and believe, that I was informed by Doctor William O'Neill, of Mitchelstown (one of the medical attendants of the said Mr. Bridge) that the said Mr. Bridge, a few days after the said outrage, in conversation with him, stated to him (Doctor O'Neill), that "he (the said Mr. Bridge) would stand another shot or evict the tenants unless they paid the increased rent."

24. I was informed by the Rev. Mr. Burke, Catholic curate of Ballyporeen, and believe that two gentlemen, namely, Messrs. Bennett and Massy, many years ago, as stated in my said letter, walked the mountain portion of said lands and declared that they could fix no value on them. I again refer to the said affidavits of the said tenants as evidence of the truth of the statement in my said letter, that it was by the labour and reclamation effected by the said tenants that that portion of the said estates was rendered of any agricultural value.

25. I say, in reply to the 20th paragraph, that it is true that the said tenants live on the humblest fare, and it is not true that the mountain tenantry on the said estate, to which I specially alluded in my said letters, have the ordinary diet of persons of their rank in the County of Limerick.

26. I say that it is within my own knowledge that some of the shopkeepers of Mitchelstown have Civil Bill decrees against several of the said tenantry for years, which they are unable to realize.

27. I say that it is a fact that many of even the better class of tenants did load and draw timber from the glens of the mountains to Fermoy, distant 16 miles, at six shillings per ton, which involved labour from before sunrise until eight or ten o'clock at night, which no farmer would do unless under the pressure of poverty, and the public carriers of Michelstown get the same amount (six shillings per ton) for carrying less troublesome loading from Mitchelstown to Fermoy, on a better road only half the distance.

28. I say that I did not know what was the percentage of increase on the whole estate, but I was perfectly well aware that the increase was in a number of instances from 50 to 500 per cent., and that it was considered by the tenantry oppressive.

29. I say that the poor people whose rent was increased from one shilling to 20 shillings were the occupiers of mere hovels, mostly built of mud by themselves or their predecessors on little patches of land, situate, some in the wayside, others on the side of the mountain streams or amongst the glens, and in places of little agricultural value.

30. I say that in my said letters I did not charge Mr. Bridge with saying that the said tenants were a blackguard, murderous set. The passage in my said letter, relative to this, referred to the misrepresentations in the London and some Irish newspapers.

31. In reply to the 23rd paragraph of said affidavit, which states that my letters omit the fact that the increased rental on the whole of said estate is under 20 per cent. on the old rent, I say that the said 23rd paragraph wholly omits to state that which is the fact, that many of said tenants held by leases previously given them at advanced rents, and that said Joseph Walker had no power to increase the rents of tenants who held under leases, nor to re-value their holdings.

JOHN SARSFIELD CASEY.

I, JAMES MOLAN, of Kiltankin, in the County of Tipperary, Farmer, aged 32 years and upwards, make oath and say :—

My old rent was £20 7s. 6d. per year ; my new rent is £26 7s. 6d. per year. I am not satisfied to pay the increase, because I could not afford it. 'Tis tight enough on me to pay the old rent. I reclaimed a portion of the land, and the crop which was sown was useless. The potatoes are very bad—totally unfit for food. We had not sufficient potatoes for our family for the last seventeen years. Generally the potatoes which grow on my land are not fit for human food. I sell them in Mitchelstown, and with the proceeds buy good potatoes for our use.

I, EDMOND DARNEY, of Coolegarranroe, in the County of Tipperary, Farmer, aged 40 years and upwards, make oath and say :—

That my old rent was £2 6s. ; the new rent is £4 6s. I was in Clogheen workhouse hospital for several weeks. Mr. Bridge sent for me ; I said that I could not pay the rent, but that, as I was deeply in debt, if he gave me some reasonable compensation, I would give the place to him. He refused to take it off my hands. Seeing no alternative before me but the poorhouse, I agreed to pay the increased rent ; I was obliged to borrow the rent, and I firmly believe that my holding is not worth the increased rent.

I must live on Indian meal the greater part of the year, and must buy that on credit. I reclaimed the lands, and was reclaiming

it every year. Three of my children had to go to hospital, and my wife died there. I must keep goats to give a supply of food to my children when sick ; I get medical Poor-Law relief.

I, JOHN SLATTERY, of Kiltankin, in the County of Tipperary, Farmer, aged 58 years and upwards, make oath and say :—

I am a tenant on the estate of Nathaniel Buckley, Esq. ; I hold about 33 acres ; I went into possession of my said holding in the year 1852 ; I reclaimed a great portion of it. The said reclamation, fencing, draining, and burning cost me at least £12 per acre. There are three acres and a half still unreclaimed. The old rent of my said farm was £20 17s. 6d. ; the increased rent demanded, £30 5s. I did not settle with the agent, for I verily believe I should not be able to pay the said rent and support my family. I swear that the said rent is more than the land is fairly worth.

As evidence of the poorness of my land, I say that when I buy a cow from a farmer who holds a farm of good land, I must accustom her by degrees to the bad pasture of my farm by hand feeding, as if I allowed her at first to eat only the grass on my farm, she would starve.

I swear that the greater part of the value of the said lands is owing to years of my constant labour.

I, TERENCE MURPHY, of Caghergall, in the County of Tipperary, Farmer, aged 38 years and upwards, make oath and say :—

That I am tenant of a small farm containing about 13½ acres on the estate of Nathaniel Buckley, Esq. The said farm is situated near the summit of the Galtee Mountain, and was reclaimed from the barren heath by my grandfather, my father and myself. It is a very poor farm ; only the worst kind of potatoes can be grown upon it. I have to rent a garden nearly every year on the farms of strangers to grow sufficient food for myself and family ; when I sow oats, I must reap it while it is green, as the ear never fills or ripens, and it is only fit for feeding cattle. It will grow a kind of hay ; I have to take meadow on other lands to feed my cows.

Before the increased rent was demanded, myself and family, though we worked early and late, could barely live on the farm ; we had only the poorest and coarsest food, and could not afford the

common comforts of life ; all my father's family had of necessity to emigrate ; I have been served with a notice that in future my rent will be £7 7s. 9d., instead of £3 5s., my former rent. I verily believe that no one could pay this increased rent and live on my poor holding, and for this reason I have not agreed to pay it. About nineteen years ago this first rent was put on the land ; it was so bad before that no rent was ever asked ; we reclaimed it from heath and stones.

I verily believe that if the said increased rent should be enforced, myself and my family will be driven out of my said farm and ruined. Walker stated I had $4\frac{1}{2}$ acres more than I have ; Mr. Bridge discovered this mistake, and now offers a reduction of 12s. 9d off of advanced rent.

I, THOMAS KEARNEY, of Coolagarranroe, in the County of Tipperary, Farmer, aged 46 years and upwards, make oath and say :—

I am a tenant on the estate of Nathaniel Buckley, Esq.; my farm is situate on the side of the Galteemore Mountain, more than half-way up. It consists of about 80 plantation acres, more or less ; when my father took the holding about fifty years ago it was a barren waste, all heath and stones ; he and his family, including myself, reclaimed it, carrying manure and lime to do so on their and our backs up the mountain ; the land is miserably poor ; I cannot grow sufficient potatoes for food—such as I do grow, are bad in quality and not fit for human food. Oats never fill nor ripens ; I cut it green for food for cattle ; I can make but one firkin of butter from each cow in the year ; I have to buy fodder for my cows ; I remember one year having had to pay £20 for hay ; I did not make £20 off the butter I sold that year.

The former rent of my farm was £5 12s. 6d., the increased rent £17 10s. I did not settle with Mr. Bridge, because the land could not possibly pay the rent ; I swear that it was only with the utmost hardship and labour I was able to pay the old rent and support my family on the coarsest food ; for nine months every year we have to live on Indian meal ; except at Christmas and Easter, neither myself or family ever eat meat, and in spite of our continued toil we are in debt, and have been forced to pawn some of our necessary clothing.

I, MICHAEL CONDON, of Kiltankin, in the County of Tipperary, aged 70 years and upwards, make oath and say :—

I am a tenant on the estate of Nathaniel Buckley, Esq.; my farm is situate in the plains at the foot of the Galtee Mountain, and consists of about 34 (more or less) plantation acres. The land is poor, wet and marshy; I have held the said farm since the year 1851 at the yearly rent of £29 18s. 8d. I swear that this was the full value of the land, and it always gave me enough to do to pay it. The increased rent demanded is £37; I have not agreed to settle, and if forced to submit by ejectment, it will be because I have no choice between submission and the poorhouse.

My land is so bad that for the past twenty-two years I never was able to grow sufficient potatoes for my family; I am buying potatoes for food since Christmas last; one-third of the land that I plant with potatoes would yield plenty for food and sale to any farmer on the adjoining estates.

I, PATRICK KIELY, of Kiltankin, in the County of Tipperary, Farmer, aged 52 years and upwards, make oath and say:—

I hold a farm of about 19½ acres, plantation measure, from Nathaniel Buckley, Esq., at the yearly rent of £12 8s. 6d., which Mr. Bridge insists must be advanced to £20 10s. My forefathers were in this land for six generations back, and were tenants there. They worked and toiled at it, it being boggy land, and could never succeed in fully reclaiming it, or in draining half portion of it. Half of it will yield nothing for me, and if I succeeded in reclaiming the said half, I would be rewarded for my improvements by a further increase. This holding is (half of it) a cut away bog, and is the home of the snipe, and is more fit for the home of the snipe and water-fowl than men created to the image of God. Bracken (Mr. Bridge's gamekeeper) regularly shoots snipe on my holding, and it is such a good home for snipe, that after firing at them in the morning, said gamekeeper and his assistants return in the evening and will find them again there. I say, and even stated same to Mr. Walker, that my father could with great ease pay an advance on the old rent better than I could. He asked my reasons for this. I answered, and still say, that my father had turf on the half of the land and used it for fuel, whilst I have the empty bog (no good to me), and must pay for coal instead of turf. And as a further reason to show why the land was not worth an advance from rent paid by my father, is—That the land has not increased in value, but has decreased, as the turf is gone, and I have rushes and water in its stead; and that the wages to labourers now has advanced since my father's time, whilst the land as, I said, decrease in value. I cannot get out of my farm (except

one year or two years) for the last thirty years, enough of potatoes for my family. It is not possible for me to pay the advance and live in my holding. When I said to Mr. Walker, "You must be here (as we didn't ask you) to raise the rents, what will we do with our children if you raise the rents?" he (Walker) answered me, "Why did you get them?" (meaning children). I answered to this harsh and grating remark, and most repulsive to me, "That that was a question against nature." Defendant is a relative to numbers of the tenants on the Buckley property, and is also a relative of mine, therefore I think Mr. Casey had some right to look after his relatives and not see them oppressed as they are. I say that it's untrue that the tenants, or any of them, as stated by Mr. Bridge, would "willing pay the increased rents were it not for the conduct of one of the tenants named Ryan." This is not the fact, as I know that no tenant would willing pay an increased rent, and I challenge him to get one to swear they did, or would, pay it willingly. If they paid it at all, it was the ejection process, the poorhouse, or emigration, that compelled them to pay the advance. It was the fear of the above that made them submit to the advance. The leases they got contained covenants which made the tenants' tenure as uncertain as if there were yearly tenants; an infringement of any of the new covenants, as I believe, would entail their being ejected. I say it's untrue that the diet of the tenants on said lands is the ordinary diet of persons of their rank in the County of Limerick. I say that the attempts on Mr. Bridge's life were made prior to defendant's letters, and could not, therefore, incite passions excited before.

I, PATRICK LONERGAN, of Coolegarranroe, in the County of Tipperary, Farmer, aged 58 years and upwards, make oath and say:—

My farm from Nathaniel Buckley, Esq., I hold as yearly tenant at £3 8s. 10d. hitherto, but I am called on to pay the advanced rent, £8 15s., nearly treble my former rent, and which I did not agree to, as I could not pay it and support myself. It (my holding) is a mountain farm of about 30 acres, which will not grow potatoes; and I have to go to other farms and rent potato gardens each year, as what potatoes my farm would grow would not be fit for human diet. During a very dry year a middling crop of potatoes would grow there, but in a moist year I would have all stalks and no potatoes. I reclaimed my holding from heath and stones, often, and even continually, drawing manure on my back in a basket. The snow remains on my holding when long melted in the valley. I, like others, rear my children as best

I can, and three of them, through sheer necessity, had to emigrate (like plenty of my neighbours' children) to Queensland. I am remote from any town; away in the mountain, seven miles from the nearest town, with not a house near me. There is not a house above me on the mountain, and I think never will, so that I don't think they will raise rent ever on any one above me, and the eagles will remain undisturbed above me. The place is so wild that the eagles often took away my hens and my lambs, and ate the hens and lambs which I could not at all eat myself; I could not afford to kill a hen, and seldom can I afford the luxury of one of their eggs; I must sell them to pay the rent. Seldom I get even a piece of American meat to eat, and when a sheep dies of sickness I eat the diseased carcass. The sheep are often lost in the snow, and I then eat mutton; also I do the same when one of my sheep would be found dead on the mountain. Rarely, indeed, do I ever buy meat, nor do I have the money to buy it; it's often I ardently wished to have enough of Indian meal. The nearest house down from me is about a quarter of a mile or so. A horse could not be brought or work on some of my farm; and Mr. Bridge's fine horses could not bring even an empty car on some of my land, it's so steep, rough, and stony. Even what is called tilled land grows heath through the grass, which is of a coarse description, not fit for any cattle but the wretched mountain stock that are used to it. I would never consent to pay the increase (as I cannot well live in my holding if I do so), but that I would be thrown out on the roadside, and would have to either emigrate on the free emigration or face the poorhouse; and I would prefer to die sooner than leave my little house in my native mountain. The oats never ripen, and I must cut it when green, or if I remain any year for the sun to ripen it, I would find it was the frost came instead of sun. I have to buy fodder every year, for the forty-two years last past, as my land would not yield enough of grass for the cattle to graze, not to mind fodder. In winter we could not describe the storms, and the mountain be covered with snow for six weeks at a time. The storm be so terrible that £8 10s. worth of hay, some two or three years, was taken by the force of the storm up the mountain for a quarter of a mile. I am deeply indebted, and no way to pay it. I never yet got a process for debt, yet I try to struggle on.

I, DENIS MURPHY, of Coolegarranroe, in the County of Tipperary, aged 64 years and upwards, make oath and say:—

I am tenant of a small farm containing about ten acres and three quarter acres, on the estate of Nathaniel Buckley, Esq.; the rent of my said holding, up to the year 1875, was £3 7s. 6d. It

is now £6 15s. I agreed to pay the said increased rent, because I had no choice but to do so, or go to the poorhouse. I swear that my said farm is not worth the said rent. I say that, at the old rent, my utmost exertions, and the labour of my family from morning till night, were hardly able to afford us the poorest food ; and I was lately wholly without the means of buying or obtaining food until Mr. James Hennessy advanced me one pound to enable me to do so. I had to send my wife to service with a neighbouring farmer, and my son and daughter also are in service with other farmers to pay the rent.

I, PHILIP O'NEILL, of Kiltankin, in the County of Tipperary, Farmer, aged 34 years and upwards, make oath and say :—

My old rent was £7 15s. 4d. per year ; my new rent is £15 6s. per year. I am not satisfied to pay same, because I cannot afford to do so. I have about seven acres of middling land ; the remainder bad or indifferent. My father and myself reclaimed portion of the land, but it is fast returning to its original sterility. My own land will not grow potatoes, so that for many years back I am obliged to rent a portion of other farmers' land for a potato garden. In the best years, I cannot obtain more than one and a-half firkin of butter from each cow, whilst farmers on the adjoining estate of the Countess of Kingston easily obtain three or three and a-half firkins of butter. Mine is a lowland farm.

I, THOMAS HYLAND, of Skeheenarinkay, in the County of Tipperary, Farmer, aged upwards of 50 years, make oath and say :—

I hold a farm 2,200 feet above the sea level, nearly at the top of the mountain, from Nathaniel Buckley, Esq. It consists of about 40 acres, plantation measure, at the rent of £5 sterling. Mr. Bridge says I must pay £10 10s. My farm when I got it was without a house or home or a ditch, all covered with heath, and not one foot of it being tilled, all as wild and bleak as a mountain left to nature. My father and myself commenced to erect a house, and toiled from early morning to dark at night eradicating the heather and taking away the stones. When we were at another end of the farm for a season, cultivating it, the other part was going back to its original state. We had to draw manure on our backs, and no plough could be used up the hill. I can only plough down the hill, and turn the other side up with the spade. If a

stranger was on my farm he would be in danger (or would imagine so) of falling down. Mr. Walker said it was the most troublesome land he ever walked, and that it was the worst crop he ever saw cut. When he said this I thought I was safe; but in spite of it being "so troublesome to walk, and the crop so bad," he still took care to put on a rent enough to ruin me, and which I cannot pay and support my family. I cannot grow wheat, nor even oats, but what I reap when green to feed my cows. I am forced to grow rye, nothing else would grow there. A cow on my holding would not yield more than a firkin. I have six in family. I have six acres which will never be any good to me. I had to sledge and break the stones and remove tons of them. Another farmer with anything of good land, he would not take a present of it. Mr. Langford Rea, a former agent, tried to reclaim some of the land; he gave up as he could find no surface, but all stones. I often had to carry manure on my back. I would occupy too much time and paper to tell about the barrenness and all my labour and hardship on said farm, and how the advanced rent will crush me.

I, THOMAS DARNEY, of Coolegarnroe, in the County of Tipperary, Farmer, aged 40 years and upwards, do make oath and say :—

I am a tenant on the estate of Nathaniel Buckley, Esq. My farm is situated on the side of the Galtee Mountains. It contains about 8 acres, which I held up to the year 1873 at a rent of £1 9s. 8d., which has been increased to £2 17s. Through fear of eviction I submitted to pay the increase, but I say it was reluctantly I paid the increase. I fear I will not be able to pay the increased rent and support my family. I was obliged to be herding cattle on the mountain for the last four years, in order to help to pay my rent and support my family. My farm would not pay even the old rent and support my family. I am now deeply in debt. My farm is not able to yield a sufficient quantity of potatoes for myself and my family, in consequence of which I must get on credit Indian meal during six months of the year. I believe that the farmers in the County Limerick feed their servants and workmen better than I can afford to use. I say that my cow would not produce more than one firkin of butter in the year. Last year I sowed about one acre of potatoes, and gave said acre £5 worth of artificial or special manure, and after losing seed, manure, and my labour, it did not produce but six months' potatoes for my family, or about £6 worth.

I, THOMAS MOLAN, of Kiltankin, in the County of Tipperary, Farmer, aged 55 years and upwards, make oath and say :—

My old rent was £28 5s. per year ; my new rent is £38 per year. I had fully enough to do to pay the old rent ; I don't believe that I could pay the increase under any circumstances. My grandfather, my father, and myself reclaimed the land from a turf bog. On the whole, my part of the townland of Kiltankin is the worst district for tillage, being all water beneath.

I, MICHAEL REGAN, of Skeheenarinka, in the County of Tipperary, Farmer, aged 48 years and upwards, make oath and say :—

I am tenant of a farm containing about 74 acres, on the estate of Nathaniel Buckley, Esq. My father took the said holding about fifty years ago. It was then nothing but a tract of brown heath, covered with stones, rocks, and huge boulders. My father and his family, including myself, commenced to reclaim it. We rooted up the heather, we collected the stones into immense heaps, we blasted with powder the rocks and boulders, and worked on for years, in rain, frost, and snow, on the mountain side. It was impossible to remove all the stones ; heaps of them still remain, scattered over my holding like hay-cocks, and vast quantities were buried, and covered over as best we could. I remember to this day the toil and suffering of this labour, and the pain caused by the continual stooping in rolling heavy stones. I and my children had to carry the manure on our backs up the mountain slopes. The land to this day requires constant labour and watching, to prevent it from relapsing into its original condition. I say that I believe that my said farm is situate 2,000 feet above the plain. It is bitterly cold in the winter, and the snow lies there long after it has disappeared from the valley. I have not been able to raise a fair crop of oats for years ; the ear, but one year, never filled. I have to buy hay every year.

The rent of my said farm was £5 9s. 6d., and the rent now demanded from me is £15 16s. 6d. I did not agree to pay the said rent, for I verily believe that I could not be able to do so and support my family. I should be willing to pay any fair rent, that would let me and my family live. I have twelve in family.

I swear that whatever value the said farm may have it owes to the hard toil and years of labour of my father and myself, and our family.

I, JOHN DUGGAN, of Skeheenarinka, in the County of Tipperary, Farmer, aged 30 years and upwards, do make oath and say :

I am a son of Timothy Duggan of Skeheenarinka, aforesaid, farmer, and am deputed by him to swear to the following facts, as I know them as well as he does :—He is a tenant of about 13 acres of land, on the estate of Nathaniel Buckley, Esq., which he held up to

the year 1873, at the rent of £2 12s., which has been increased to £6 1s. 6d. This farm is situated on the side of the Galtee Mountains, at least 1,000 feet above the level of the plain. There are only about 6 acres of this farm reclaimed. Mr. Langford Rae tried to reclaim part of this farm about sixteen years ago, and, although he expended an amount of money thereon, he did not succeed in doing so. It was then left unoccupied until Mr. Brogden succeeded him in the agency of the estate, who gave possession of it to my father ; but after the expiration of one year he surrendered it, as he was not able to pay the rent for it. Although surrendering it, we were left the use and occupation of same for two years, until after Mr. Bridge's arrival on the property, who put a rent on this portion of the land. My father did not submit to the increase of rent, as the profit of the land would not pay the increased rent and support his family. The land is very poor, coarse, and is of a very moist nature. My father is deeply in debt, and I consider the old rent more than the value of the land. The farm was not able to support our family even at the old rent ; hence my two sisters and myself had to go to service to other farmers, and although we gave my father what wages we saved after clothing ourselves, he is still deeply in debt. When his children was young, he was obliged to earn his bread from other people in order to support them. He spent seven years employed as watchman for a farmer at night, in the most inclement weather, exposed to the night air. Our food is very bad, it is unfit for human diet. When I was in service I got much better diet than I now use, and I say that the County Limerick farmers give their servants and workmen better diet than I generally use on my father's farm. I believe that it is the hard work of last winter, draining part of this land, that has weakened and debilitated my father, so much so that he is now confined to his bed. Myself and my father spent the greater part of the winter in frost and in snow, up to our hips in drains, striving to render portion of this land capable of cultivation. We were engaged at this work when one of the bailiffs of the estate demanded possession of my father. I was so heart-broken, after all our toil and hardship, that I burst into tears when I heard the demand made. I carted timber from the mountain woods to Fermoy Railway Station, a distance of 14 Irish miles, and I saved no money in doing so, I only helped to pay the rent and support and clothe myself and family. Often I could not be at home after carting this timber until twelve o'clock (midnight), when I should eat some Indian meal stirabout. I should then be up at three o'clock the following morning to resume the same work. I should then use cold stirabout which used to be left since the previous night.

I, JOHN SHAUGHNESSY, of Carrigeen Mountain, in the County of Limerick, aged 54 years and upwards, make oath and say :—

I am a tenant on the estate of Nathaniel Buckley, Esq. My farm is situate on the side of the mountain at least 1,500 feet above the level of the plain. It contains about 44 acres of poor land, which I reclaimed, that is to say, whatever portion of it was unreclaimed after my forefathers. When they first came into possession of it, it was a barren mountain. The land is of the poorest kind ; it will grow only the worst and poorest sort of potatoes, wet and spongy. The cold in winter is intense, and the snow remains unmelted for weeks ; the deer eat up our oats, and we get no redress. The former rent of my holding was £7 ; the new rent £12. I swear that under the old rent neither I nor my family, 5 in number, were able to afford the commonest comforts of life, and we were frequently without the means of getting our daily food. We live for the greater part of the year on Indian meal, and unless when we pick up a dead hare or rabbit on the mountain side, we never use meat except at Christmas. I have a son in Australia, and two sons earning wages, and were it not for the assistance given me by these I could not hold out, and would have been broken, as many of my neighbours have been during the last few years. In order to make up money for my rent, my sons had to draw timber from the Galtee Castle Wood (on hire), a distance of 16 miles. This is a work of great hardship, as the cars have to be loaded at night, and to start at two or three o'clock in the morning.

I at first refused to pay the increased rent, because I considered and verily believe that the land is not worth it, but being advanced in years and unable to do anything if I lost my farm, I afterwards agreed to pay it. I had to sell one of my two cows to make up the rent demanded ; on offering it to Mr. Bridge, he refused to take it, saying, it was the land, not the rent, he wanted. Mr. Bridge offered me £100, not £130 as he swears, as compensation, if I would give up my farm. My farm is not able to support more than 5 cows ; it would not support 14 as Mr. Bridge swears. I verily believe that the majority of the County Limerick farmers give better diet to their servants and workmen than I ever use.

I, MAURICE FITZGERALD, of Skeheenarinka, in the County of Tipperary, Farmer, aged 56 years and upwards, make oath and say :—

I am a tenant of Nathaniel Buckley. My old rent was £1 18s. 6d., my new rent is to be £6 10s. I don't believe any

person could pay that rent out of my farm. Twelve months before Mr. Walker came to value the estate, Mr. Bridge came to me and said "that he should raise my rent." I said "it was not worth his while to have the curses of my wife and children." He said "he did not care for curses." I farm 9 acres. After supporting my family I have not a penny to spare. In fact, if I depended on this farm it would not support my family, but I "job" with sheep, heifers, &c., and so eke out a livelihood, yet the fleece of my sheep would not much more than pay for the grazing. The people who occupied this place before me were starving therein. I took the place, and roofed and repaired the cabin; I drained and fenced the place, and bought the good-will of the former occupants. I buy manure in time, and if that fails, as in our uncertain place, it all is lost. Always, until lately, got free the "gor," but do not now. Notwithstanding my industry, we must live on meal a part of the year. Eat meat Christmas Day, cannot afford it oftener. A beaten track separates my holding from the heath. If I neglect to cultivate it one year, it returns to barrenness. Often must eat stirabout boiled the previous day.

I, JAMES O'NEILL, of Skeheenarinka, in the County of Tipperary, Farmer, aged 35 years and upwards, make oath and say:—

My father holds about $8\frac{1}{2}$ acres plantation measure, from Nathaniel Buckley, Esq., at a rent of £1 12s., and now I must, as Mr. Bridge insists, pay £3 3s. My father always held this holding, it was so barren, rent free, until Langford Rae put the £1 12s. on it. This is still barren, and there are stones five tons in weight scattered over the land. When my father took it, although there was a tenant (free of rent) before him, it was then very barren. A portion of this holding can never be reclaimed, but if I reclaimed it or could do so, I would be rewarded by an advance of rent on me; I could not live in it and support myself and family at the old rent. I am heavily in debt. I had to hire out for 9 years with another farmer at a neighbouring farm at Behenaugh, and other places. I cannot afford but the coarsest and worst food, and all my brothers and sisters hired out, and when they had earned as much as could take them to America, they went there. I have been treated very harshly by Mr. Bridge, and seldom or ever could I pay the old rent without borrowing it. It (holding) cannot support more than one cow, nor could it support a good cow; the grass of my holding she would die on, and any good cow would pine away there. There are cliffs in it that would kill any cow if she fell into it.

I, JOHANNA FITZGERALD, wife of JOHN FITZGERALD, of Skeheenarinka, in the County of Tipperary, aged 38 years and upwards, make oath and say :—

That my husband is a tenant of Nathaniel Buckley, Esq. That the old rent was £2 10s. 4d. The new rent is £4 12s. 0d. I am not satisfied to pay this rent, for the land is not worth it. At the old rent we got deeply in debt. The neighbours secured us, and, seeing no prospect of being able to pay it, my husband had to emigrate to England, from which he sends me money to support the family. My husband reclaimed this place from heath, and the sterility of the mountain ; he had often to bear manure on his back to parts of his farm. The land is so poor that the worst description of potatoes only grew there ; and we live on the coarsest food—meal, which we buy on credit. We have to cut the oats in a green state, as it never ripens. If any of the family fall sick, I must seek medical relief at the dispensary. I have a great deal of what spare clothing we had in the pawn, being obliged, through distress, to pawn them. I hold but twelve acres of land, fully half of which is in a partially unreclaimed state, all heath and stones. Ever since my husband emigrated, I have got into debt, to try and live. I keep hens, and sell the eggs, to try and live ; I must buy milk every day for the support of my family. I am served with an ejectment process for Clonmel Sessions. My children are badly clad, and I could not afford to give them even a pair of boots. The whole land is cold, and barren, and wild.

I, MICHAEL O'BRIEN, of Coolegarnroe, in the County of Tipperary, Farmer, aged 53 years and upwards, do make oath and say :—

My father, and I after him, held a farm of land at Coolegarnroe, containing about 35 acres, at a rent of £2 2s., under the Earl of Kingston. I hold said farm up to the present time. After the Irish Land Company buying this estate, their agent, Mr. Langford Rae, increased the rent from the former rent above-mentioned to £7 7s. 6d., at which rent I held it until the year 1873, when Mr. Patten Bridge insisted that it should be increased to £9 2s. I did not submit to the increase, for I consider and believe that the land was too dear at the rent placed on my holding by Mr. Langford Rae ; I am in debt ; when the rent is due I must borrow it ; I swear that Mr. Bridge is acting harshly and unjustly towards me ; my food is of the very worst description ; I never eat meat except at Christmas or Easter. This farm is not able to support my family ; some of them are obliged to earn their

bread from strangers. There are about 25 acres of this farm still uncultivated, consisting chiefly of heath and stones. I have been obliged on this farm to draw manure on my back, and I consider it a great injustice after my father's labour and my own labour to have this land increased in rent.

I, JOHN SHEALY, of Coolegarnroe, in the County of Tipperary, Farmer, aged 69 years and upwards, make oath and say :

I hold $12\frac{1}{2}$ acres, more or less, from Nathaniel Buckley, Esq., at rent of £2 11s. 8d., but Mr. Bridge insisted I should pay £5 5s. 6d., more than double my rent. He served me with Notice to Quit, and knowing the fate before me if I did not pay advance, I had to consent ; I think I cannot hold my holding at the advance and support my family ; I had to send off three of my family to Australia, and must send off another also to a foreign country. My father took this place before me, and when he did so, it was the bare barren heath covered mountain, boggy and all stony. No house was on it, nor ditch, or anything else on it ; my father built the house and set about reclaiming it ; a portion can never be reclaimed ; we burnt lime and put it on it ; we rolled and carried away hundred of tons of stones every way we could, and still there are hundred of tons yet there ; I cannot use anything but the coarsest food, Indian meal and bad potatoes often ; it is not at all true that I can support myself as well as my neighbours of my class in the County of Limerick, except those in the mountain farms. What land I hold would not properly support one cow, nor would a good cow live there at all ; she would die. A cow on my holding would not yield a firkin of butter, neither would a cow live without hand-feeding there.

I, TERENCE MURPHY, Senior, of Coolegarnroe, in the Co. of Tipperary, Farmer, aged 56 years and upwards, make oath and say :—

I am tenant on the estate of Nathaniel Buckley, Esq., holding from and under him 11 acres, more or less, which I held up to the year 1873, at the rent of £3 15s., which has been increased to £7 7s. I did not submit to the increase, for I believe that I could not pay the increase and support myself and family. In order to pay the old rent, my daughter has been obliged to go to service, and as the rest of my family grow up, they must emigrate or go to service ; only for the money I received from my children

I could not hold the land even at the old rent. A great part of my land is incapable of cultivation, owing to the quantity of stones scattered thereon; I collected stones off the portion reclaimed and made heaps of them, having no other place to take them; I am very poor, being deeply indebted; any cow grazing on this land is not able to produce more than one firkin of butter in the year; my holding is 1,000 feet above the sea level; in consequence of this the snow does not melt for a considerable time after having been melted in the valley beneath.

I, PATRICK BURKE, of Skeheenarinka, in the County of Tipperary, Farmer, aged 55 years and upwards, make oath and say:—

That I am a tenant of Mr. Nathaniel Buckley. I farm a piece of land containing about 16 acres. My old rent was £4 18s. 7d.; my new rent is to be £8. I am deeply sunk in debt, clad in clothes patched and mended; I have not the second suit of clothes, nor cannot afford it; if I bought them I should buy them on credit, and I should pawn them in a few weeks. I owe money in banks, to shopkeepers, and all my spare clothes are in the pawn office. I must live on meal all the year nearly, and I buy this on credit. If I purchase a cow in good land, and bring her to my farm she becomes cramped before a year, and sheep decline and dies. I would not get £3 for the grass of my farm yearly. The sun never scarcely rises on me in bed, and from that until dark I work unceasingly. More than half of my holding is in its wild natural state. A former agent, Langford Rea, caused all my fences to be cast down, and they remain so still. I cannot possibly pay the rent; I scarcely ever had even the old rent without borrowing it. I can never afford to eat meat, my principal food is stirabout, and that often cold. If any of my family were sick, I should seek poor relief at the Dispensary. I scarcely believe that I can ever pay what debts I owe, though I live most miserably. I cannot afford to keep a cow of my own, but to procure milk for my family, I hire a cow from some other farmer, and return her at the end of the year.

I, JOHN CASEY, of Coolegarranroe, in the County of Tipperary, Farmer, aged 64 years and upwards, make oath and say:—

I am tenant of a farm of about 21 acres on the estate of Nathaniel Buckley, Esq., which I held up to the year 1873, at the

rent of £3 19s. 4d., which said Patten Smith Bridge insists must be increased to £9 6s. 8d., and which advance, if I do not agree to, I will be ejected. I have toiled incessantly from early morn to dark reclaiming said land ; and by my incessant toil have but barely prevented it from returning to its original coating of heath. In spite of all my labour and hardship, I am deeply in debt ; all my spare clothes being in pawn, and after 38 years' labour and hardship in wet and cold, and not worth anything above a beggar. I am forced to eat the coarsest food ; never tasting meat except at Christmas and Easter, and then have to get that same on credit, of the poorest and cheapest quality. I cannot afford myself the luxury of an egg laid by my own hen, having to sell same to try and help to pay my rent. My farm would not support more than two cows and what tillage I require, the yield of each cow being not more than one firkin, whilst on adjoining properties three firkins per cow can be easily obtained. When reclaiming my said holding, I was compelled to roll large stones and pile same in the shape of fences, having no other way to remove them ; I having no assistance but what I pay for. I cannot grow wheat on my land, but a sort of oats which I have to cut when green, as it never ripens. It serves for food for cattle. I have four in family, which I have to support on Indian meal, which I get on credit, and endeavour partly to pay by small instalments. If any of my children were sick, I should carry them to the Dispensary, as I could not afford to pay a doctor. It's a mountain passage to my holding ; a horse couldn't carry more than two hundred weight through said passage, being covered with large stones.

I, WILLIAM MURPHY, of Coolegarnroe, in the County of Tipperary, Farmer, aged 44 years and upwards, make oath and say :—

I am a tenant of a farm of about 20 acres on the estate of Nathaniel Buckley, Esq., which I held up to the year 1873, at the rent of £6 10s., which has been increased to £10 9s. I verily believe that I will not be able to support myself and family, even on the coarsest food, and pay my rent out of the profits of said farm. I have toiled incessantly from early morning to dark, reclaiming said land, and by my incessant toil have but barely prevented it from returning to its original coating of heath. I was possessed of three cows last year, and the produce of butter from same was not much more than two firkins. Great portion of this farm was never reclaimed, being impossible to do so, with huge boulders scattered over the most part of the unreclaimed part. I had four sheep last year, which died whilst grazing on said land,

and I verily believe their death was caused by the bad, wet soil on which they were grazing. I am deeply in debt, which, I greatly fear, with the increased rent, I will never be able to pay.

I, PATRICK CARROLL, of Coolegarnroe, in the County of Tipperary, Farmer, aged 30 years and upwards, do make oath and say :—

I am tenant of 16 acres of land or thereabouts on the estate of Nathaniel Buckley, Esq., which farm I held up to the year 1873, at the rent of £1 7s., which has been increased to £3 0s. 6d. I submitted to this increase wholly against my will, for I say that the land is not able to pay the increased rent and support my family. Myself and horse work on hire to help to pay the rent and support my family. I say that Mr. Patten Bridge has acted harshly and unjustly towards me. The land is of the worst description ; it requires constant tillage to prevent it from returning to its original state. The deer eat up a great portion of my crops, for which I receive no redress from either Mr. Bridge or Mr. Buckley. Mr. Bridge told me to shoot the deer, which I am unable to do, as I can't procure either a gun or powder, in consequence of the Arms' Act and the Peace Preservation Act. Generally speaking, my diet, and the diet of my family, is of the worst description. I do not believe that my diet is as good as the diet used by the majority of the farmers in the County of Limerick. When working outside my own farm I get better diet, far superior diet, than what I can afford to use at home. It is very seldom I use meat ; I am not able to afford it. I am deeply indebted at present ; occasionally I have been obliged to borrow money to pay the rent, and afterwards paid same by the hire of my horse.

I, JAMES MAGUIRE, of Corrageen, in the County of Limerick, Farmer, aged 58 years and upwards, do make oath and say :—

I am a tenant of about 38 acres of land on the estate of Nathaniel Buckley, Esq., which I held up to the year 1873, at a rent of £3 8s. 8d., which has been increased to £10 5s. I did not submit to the increase, for I say that the farm is not able to support my family and pay the increased rent. My father took this farm about forty years ago from George Earl of Kingston, who was a good, liberal landlord. At that time it consisted entirely of heath and stones ; there was then no house of any kind built thereon. My father and I built a house at our own expense,

and reclaimed all the land, with the exception of about nine acres. It is not easy to conceive the labour which it cost us to remove all the huge stones which were on this holding originally. We made them into fences, we removed numbers of them into the river, and having no place to put more of them, we were obliged to make heaps of them on the land. I say, at the present time, there is not less than 1,000 tons of stones on this land. In Lord Kingston's time we had many privileges which we do not now enjoy. He gave us turf for nothing, limestones for nothing, and he allowed us the free use of the mountain for our cattle. Mr. Buckley allows us none of those privileges. Generally speaking, we are buying Indian meal for six months of the year for the use of my family. It is my belief that the diet I use is not as good as that used by the majority of the farmers in the County of Limerick.

I, JOHN CARROLL, of Coolegarranroe, in the County of Tipperary, Farmer, aged upwards of 40 years, make oath and say :—

Honora Carroll, my mother, is tenant ; she assigned to me. I now am tenant to Nathaniel Buckley, Esq., for a farm of about 16 acres, plantation measure, at the yearly rent of £1 18s. Mr. Bridge insists I must pay £4. If I was depending solely on this farm, I could not live in it and pay the advance. I am not on Buckley's books. I am able to live, as I have stock on a commonage on another property. My holding is a barren waste, but a few acres cultivated. Only a mountain passage, or boreen, to my holding. I would hardly get a firkin out of a cow there. I had to quarry and take away tons of stones out of my holding, and roll them down the glen, and form them into huge ditches, and throw them into ditches and dykes, and would continue to get them for years to draw them. I am in debt for Indian meal for eating purposes. I have toiled continually at it to try and cultivate it, and my father and my grandfather had to toil and work at this land, and in spite of all their labour they could not reclaim it, but a few acres of it, which will only grow a coarse grass, and if it was left a year or two without tilling, heath would commence to spring up again. If left for six years, it would all be a barren heath covered mountain. It takes all my labour to look after it. I would not pay the advance, but I will be made do so.

I, PATRICK LEONARD, of Coolegarranroe, in the County of Tipperary, aged 34 years and upwards, make oath and say :—

I am tenant of about two acres and one-half on the estate of Nathaniel Buckley, Esq., which I held up to the year 1873, at the rent of £1 5s. 2d., which said Patten Smith Bridge insists must be increased to £3. I have submitted to the increase of rent because I had no alternative but to submit or go to the poorhouse with my wife and six children. When I came into possession of this land, twenty-two years ago, most part of it was in complete barrenness, Since then I have toiled incessantly from early morning to dark reclaiming said land, and by my incessant toil have but barely prevented it from returning to its original sterility. When reclaiming said land, I was compelled to roll large stones to the brink of the glen, which is my boundary, having no other means of removing them. The profits of this holding is not able to pay the increased rent. In order to support myself and my family, myself and my wife are compelled to work for other people. I often go to the parish of Clogheen to earn my bread. I am deeply in debt, and am not worth anything above a beggar. I eat nothing but the coarsest food, chiefly consisting of stirabout and bad wet potatoes. I have but one cow, and my holding would not support said cow were it not that I hand-feed her with bran which I get on credit.

I, PATRICK MAHONY, of Skeheenarinka, in the County of Tipperary, Farmer, aged 27 years and upwards, do make oath and say :—

That I am deputed by my father, Darby Mahony, who is a tenant on the estate of Nathaniel Buckley, Esq. I am as conversant with all the facts of this case as my father. My father is a tenant of 8 acres of land, more or less, on the Buckley estate, which he held at the rent of £2 until the year 1873, but has since been increased to £4, or double the former rent. He did not submit to the increase of rent, for he considers the land unable to pay the increased rent and support his family besides. Mr. Bridge is charging him with 16 acres, and I verily believe he has not more than 8 acres, plantation measure, in his possession. His holding is situated very high on the Galtee Mountains, so high that a great portion of his crops are destroyed by the wind and by the deer before they are ripe. I say that Mr. Bridge has wronged him very much, and has acted harshly and unjustly. The land is bad, and totally unable to pay the increased rent. The diet of my father's family is of a very poor kind ; we are very often obliged to eat Indian meal stirabout. I don't believe that our diet is as good as the diet used by the majority of the farmers of the County of Limerick. Any cow grazing on the pasture of this farm is not able to produce more than one firkin and one-half of butter, but we

must hand-feed them to be able to do this. In spring time, as the land does not grow a sufficiency of straw, we are obliged to cut and pound furze for the cattle, having nothing else to give them.

I, PATRICK KEARNEY, of Coolegarranroe, in the County of Tipperary, Farmer, aged 48 years and upwards, make oath and say :—

I am tenant to Nathaniel Buckley, Esq., and hold about 13 acres, plantation measure, more or less ; and my former rent was £1 8s. 6d., but Mr. Bridge insists that I must pay £3 3s. 6d. My father took this holding about 50 years ago, when it was a barren heath-covered side of mountain, covered with stones, and other parts a bog, bleak and dreary. My father and I drained some of said lands, and worked early, from early morning to late at night, and paid sometimes labourers to drain some of said land, and in other places worked, removing the stones, which nearly covered the whole surface of said lands, having to remove and carry away tons of stones, and to break same with sledges, and to use the crowbar, and when we could not remove all said stones, we had to form fences of them, and scatter them through the glen, and form them in heaps, and even yet some of said stones are in said land, and are too heavy to remove them, whilst in other parts my cows get bogged. I often had to work in frost and snow, and the snow lay on my farm when long melted in the valley. At the old rent, I and my family could scarcely get the coarsest food out of my said holding, and cannot ever eat meat, except at Christmas and Easter, and then of the poorest description of meat. I have to live on Indian meal the greater part of the year, mostly all Indian meal, and that same on credit, except when sometimes I have the money to pay for same. I cannot get sufficient potatoes to support myself for the year, and those that grow are of the worst description. I, years ago, got out-door relief from the workhouse authorities. If I did not keep continually looking after said holding it would shove up a coating of heath, and return to its original barrenness. I have had to carry manure to parts of my holding on my back, and could carry it no other way. I cannot pay the advance of rent and support my family ; and only the poorhouse (which I would rather die in my poor cabin than enter, and which I have no other place to face) stares me and my little ones. I would never pay the advance, as I cannot pay the advance and support my large family of nine persons. A cow of mine, without being hand-fed would not yield one firkin. I am in debt.

I, CORNELIUS CULL, of Brackbawn, or Skeheenarinkay, in the County of Tipperary, Farmer, aged 60 years and upwards, make oath and say :—

I held a farm of about 34 acres, plantation measure, from the Irish Land Company, at the lump rent of £25 7s. 2d., said holding being situate partly in Skeeheenarinka, or Brackburn, and a smaller portion in Kiltankin. My grandfather took this farm about 130 years ago, when it was, with a small exception, nothing but stones and heath. He tilled and endeavoured with his family to till same. My father succeeded him, and toiled on from morning till dark cultivating this place with my assistance. My father then left this holding to me. I held at the rent above-mentioned, but after all the exertions of my grandfather and family, my father and family, and myself and family (I having got said farm from my father 40 years ago), and after our united toil and sweat, Mr. Langford Rae, about 15 years ago, as Agent to the Land Company, not having valued the land, I should say, but our toil and improvements, increased the rent from the sum of £25 7s. 2d. to the sum of £37 13s. 1d. My land was always bad and barren, and when my grandfather took it it was as a mountain land left to nature ; and up to my time (even after all the toil aforesaid), two acres were unreclaimed which I reclaimed myself. I toiled on since Langford Rae's advance, when now Mr. Bridge insists I must pay the lump rent of £47 3s. 9d. This is what I got for taking an interest in the home of my forefather. If I had neglected the land this rise could not be put on me, so that it's on my toil and labour, and those before me, the advance is put. Generally the most I can get, after hand-feeding the cow, is a firkin and a-half, whilst cows on adjoining properties would make three firkins. I would not pay the advance, as I swear the land is not worth it, but that an ejectment has been served on me, and I would be thrown out with nowhere to face with my little ones but the Colonies, the United States of America, and even to the poorhouse, and if I do so pay the advance, it is because the above fates are before me. My land is so poor that I had to send out one son to America and a daughter to Australia, as there was nothing at home for them. I solemnly say that it's untrue that I or my equals can at all live as well as our neighbours down or in the County Limerick, even they not having half the number of acres. The deer of Nathaniel Buckley, Esq., often injured my oats and crops, and I could get no redress, nor dare I look for it.

I, THOMAS KEELY, of Kiltankin, in the County of Tipperary, Farmer, aged 35 years and upwards, do make oath and say :—

I am a tenant of a farm of about 13 acres, statute measure, on the estate of Nathaniel Buckley, Esq., which I held up to the year 1873, at the rent of £7 2s. 6d., which said Patten Smith Bridge insists must be increased to £10, and which advance, if I do not agree to, I will be ejected. The land is of the poorest kind. I have drained about one acre of said lands, and had to go one-half mile for stones for the drains. Myself and wife and two men worked in frost and snow putting stones in these drains. In the Banks of Mitchelstown and Tipperary I have borrowed money for the purpose of buying lime and manure to put on said lands. I have toiled incessantly from early morning to dark reclaiming said land, and by my incessant toil have but barely prevented it from returning to its original sterility. In spite of all my labour and hardship I am deeply in debt, and am not worth anything above a beggar. I am forced to eat the coarsest food, never tasting meat except very seldom. My farm would not support more than three cows, and what tillage I require, the yield of each cow for the last two years being not more than one firkin, whilst on farms on other estates three firkins per cow can be easily obtained. I came into this farm, by marriage, seven years ago, and I wish to God I never saw it; it would have been much better for me to go earning my bread; if I did I would be better off, and would have an easier mind. I verily believe that I could not pay the increase of rent and support my family.

I, JAMES HENNESSEY, of Ballylanders, in the County of Limerick, Farmer, aged 50 years and upwards, make oath and say:—

I am a farmer and Poor Law Guardian, residing at Ballylanders, in the County of Limerick.

I say that I have read the description of the said lands in the letter signed J. S. Casey, which appeared in the *Freeman's Journal* of the 27th April last. I say that the said description is true and accurate, and that the wretched condition of many of the tenants of the said lands is in no way exaggerated in the said letter.

I say that in the month of April, 1876, I went to the house of Denis Murphy, of Coolegarranroe, one of the said tenants, for the purpose of hiring his daughter as a servant. I found the said Denis Murphy living in a wretched cabin on the side of the mountain. The said cabin was destitute of the most ordinary conveniences of life. His daughter was brought to me in rags. Shortly after she came to me, my wife had to buy clothes for her. He himself, as he subsequently informed me, on or about the 8th of June, 1876, and as I believe, had not the means of buying

food, and I advanced him a sum of £1, to enable him to get some meal for himself and his family. I had to advance money to buy clothes for his daughter, as before stated.

I verily believe, from my own observation, that many of the said tenantry are in a condition quite as wretched as that of the said Denis Murphy: I have seen some as bad, and one worse case; and I can safely say, as a Poor Law Guardian, some of the tenants would be better off in the workhouse.

I remember when the Townland of Killeen Clash, near Ballylanders, was sold, about twenty years ago, and was purchased by Mr. Franks, of Ballyskiddane. Some two or three years prior thereto, as I believe, said townland, which formed portion of the Kingston Estate, was purchased by John Sadlier, and shortly after said purchase a Mr. Rafferty (a cattle dealer) was sent by John Sadlier, and valued the farms at about £3 an acre. Mr. Bridge then came, as representing John Sadlier, as I am informed by the tenants and believe, wanted them to take leases at £3 per acre, and they refused. Mr. Bridge (as representing Mr. Sadlier) as I have been informed by one of the tenants and believe, said Mr. Sadlier was disposed to sell the property, and in order to secure the tenants against any eviction that he would give them these leases at £3 an acre, and the tenants refused to take the leases. The property, as stated, was subsequently purchased by Mr. Franks. The purchaser (Mr. Franks), as I verily believe, considering the rent too high, arranged with the tenants for about £2 5s. per acre.

I, WILLIAM FITZGERALD, of Derrylahan, in the County of Cork, Labourer, aged 55 years and upwards, make oath and say:—

1. I was a tenant on the Kingston Estate prior to Mr. Bridge being appointed Agent under Mr. Eyre, paying 16s. an acre for my holding of 16 acres, at which amount my rent had been fixed some years previously by two valuers, Mr. Patrick Luddy, of Cooleregan, and Mr. Charles Cullinane, of Bansha, who had been sent out by the office to value my land. About a year after Mr. Bridge came in, he (some twenty years ago) raised my rent from 16s. to 22s. per acre. I submitted to the increase, and paid the increased rent which I had objected to pay when put on me by him as I thought it too high. Two days before this, said Mr. Bridge came on my land, and walked it, and told me he came to value it, and to have me go into the office in two days' time, and he'd tell me my valuation. I went in, in the two days, and he told me I should pay 22s. per acre, and that he had valued my land at that. I objected, saying, that he was valuing it too high,

and that I would not be able to pay it. He said that I should pay it or either walk out it. I thenceforward, for about six years, paid the increased rent regularly, until, without any intimation to me, he had me served with a notice to quit, and afterwards with an ejectment to Fermoy Sessions. When the case came on, Mr. Rice (my attorney) produced my receipts to the chairman, and the chairman, on seeing my rent was all paid, asked him why he was turning me out, and what had he to bring against me. He replied that I was a bad tenant, to which the chairman (Mr. Kane) replied, on seeing my receipts over several years, showing rent paid up immediately after it was due, that I was as good a tenant as there was on the Kingston Estate, and he dismissed the ejectment. In eight days' time he (Mr. Bridge) then had me served with a Dublin ejectment, in which it was required that I should give heavy security for costs before I could defend the ejectment. This I could not do, and he got judgment against me, and in a few weeks afterwards he brought the Sheriff and about fifteen police there, and put out on the road myself, my wife, and two young children on the spot, and then and there, for reasons which I cannot as a fact tell, gave possession to another man (William Callaghan, of Labbamaloga) at the same rent which I paid, and which Callaghan pays for it to this day.

2. When my father took the land there was turf and heath on it. I and my father drained it, and tilled and made land of it. Since I was put out I had to become a labourer, and I and my son have since been labourers.

3. I say that I and the tenants on the Kingston Estate generally, did not think said Mr. Bridge a fair or considerate Agent, and I say that I and the tenantry thought him a hard and exacting agent.

I, MICHAEL NOONAN, of Skeheenarinka, in the County of Tipperary, Farmer, aged 38 years and upwards, make oath and say :—

My old rent was £2 14s. per year ; my new rent is £5 14s. per year. I am not prepared to pay this, for I do not believe the land is worth it. If I paid it, I believe that I could not continue to do so long. I farm about 19 acres. My father and myself reclaimed this place from heath and stones. For the past five years I did not eat a potato of my own growing. I buy meal, and on credit, and live the greater portion of the year on it. I am deeply in debt in banks and to various shopkeepers. The sole matter troubling me is to find wherewith to pay the shopkeepers. I cannot afford but the one suit of clothes, and these of the worst description. Several articles of wearing apparel are in the pawn,

and I fear must remain there. Have three in family, and my mother. Live near the summit of the mountain, fully 2,000 feet above the sea level. Often had to take manure on my back to parts of my holding. Except on Christmas Day I never eat meat, and then of the cheapest description, which I buy on credit. Should any of my family fall ill, I must seek Poor-Law relief at the Dispensary. The snow remains unmelted here long after it has disappeared from the valleys. If I run into debt when paying but the old rent, how can I possibly stand at the increased rent?

I, PATRICK RUSSELL, of Kiltankin, in the County of Tipperary, Farmer, aged 70 years and upwards, make oath and say :

I hold 2 farms from Nathaniel Buckley, Esq. ; 42 acres in Kiltankin, at the rent of £29 ; and 21 acres at Doolis, at the rent of £21. Mr. Bridge insists that my rent in Kiltankin must be £37, and my rent at Doolis must be advanced to £75. I took this land from George Earl of Kingston, and paid a sum of £350 to the former tenants for their interest. This was before ever Mr. Bridge, the Irish Land Company, and Nathaniel Buckley, Esq., were in this part of the country. The Earl of Kingston was a good landlord. When I took this farm, part of it was held at 7s. 6d. per acre, and other parts at 3s. 6d. per acre. I expended considerable sums of money on it. In the greater part of this farm I lost £5 per acre ; and what I took out of one acre, in the shape of stones, the next acre was a bog, and I had to put down said stones in the drains, and drain it. I had two Kerry men for 7 years (that is, for the half-year of the season of each 7 years), and had to support them, and keep them working and cultivating said land. When the Kingston Estate was in Chancery, two gentlemen (Messrs. Bennett and Massy) valued the land, and put on the present rent as the highest value of it. Anyone who wishes can come with a gun, and can shoot wild duck, geese, and wild fowl over my farm, or a portion of it, which is a wild dreary bog, sheeted over with water and rushes ; and Mr. Bridge's game-keepers often be on my land, shooting waterfowl. I cannot make more than one firkin out of this land out of each cow, after all my labour and trouble. I have erected barns, and a dwelling-house and a slate house lately, and am I now to pay an advanced rent on my own labour ? The land is no better now than heretofore, but for my good farming and labour. I am in debt in Mitchelstown.

I, THOMAS KEILY, of Coolegarranroe, in the County of Tipperary, son of Patrick Keily of same place, Farmer. I am aged 27 years and upwards, and make oath and say :—

My father holds about 20 acres, Irish measure, from Nathaniel Buckley, Esq., at the yearly rent of £5 18s. 8d., which is now advanced to £11 3s., and Mr. Bridge insists I must pay it. My father or family could not live and support them and himself on said holding at the advanced rent, only for the fact that my father grazes cattle (mountain stock) on Lord Lismore and Nathaniel Buckley, Esq's., commonages. When my grandfather at the mother's side, 50 years ago, took this holding, which was the brown stony, and other parts boggy mountain, without a house or home, or ditch, with huge boulders; and said land never till then was cultivated, nor a spade ever stuck in it. My grandfather, as I am informed and believe, built a house on the holding, and worked, as did my father before, rolling away huge stones, throwing them down the glen, building ditches; and often, myself, have I had a severe pain in the back from rolling said stones. The heather was eradicated, and we reclaimed a great portion of it. On my father's holding often have his stock fallen down cliffs, and were destroyed. We drained the land, and had to run the drains zig-zag, because we could not run them straight, as large boulders interposed, and we could not get them out of the way without blasting with powder; and some of the land is still boggy and wasteful, and for which Walker allowed nothing. He did not value the land on the principle of "live and let live," nor did he take the trouble of doing so in reference to my father's holding. Must work almost solely with spade; cannot hardly use plough. My father had to pay men to cultivate (solely cultivate) the land, and had to bring limestones one mile and a-half, and could not bring more than 3 cwt. weight through the passage to holding. He cut turf on the mountain, and burnt the lime, and put it on the land. So bad was the land that 12 acres or so was left to my father without any rent, until at length Langford Rae put rent on it. In some parts of my holding all I should say I cannot grow wheat at all, nor even oats, for the ear don't fill, and we have generally to cut it down and give it to cattle when green. There are still on the farm hundreds of tons of stones, which could not be removed without powder and terrible labour; some of the stones stand 2 feet over the surface.

Mr. Langford Rae, in my presence, years ago told my father that he had a terrible amount of trouble and expenses trying to cultivate a field; and now, after all our labour, we are rewarded for improving the land by double rent.

We, JAMES HENNESSY, of Ballylanders, in the County of Limerick, and JOHN COUGHLAN, of Flemingstown, in the

County of Cork, Farmers and Poor Law Guardians, aged respectively 50 years and upwards, jointly and severally make oath and say :—

That on Tuesday, the 20th day of June, 1876, we travelled over the lands of Skeheenarinkay, Kiltankin, and Cooladerry, situate in the County of Tipperary, and forming a portion of the estate of Nathaniel Buckley, Esq. We say we walked through and examined said lands, and spoke to a large number of the tenants, and learned from them the rents they formerly paid and the advanced rent now demanded from them. We consider said advanced rents now demanded from them excessive, and that as far as we saw on our said examination of said tenants' lands, the rents, they are at present paying are fully as much as the tenants could pay and live. The people looked wretched, worse in appearance than labourers ; their houses looked wretched ; we scarcely saw any cattle on the mountains, and scarcely anything on said mountains to support the people except here and there little patches of potatoes ; we consider no good cow could live on the mountain ; we think any young man on the mountain property would be better off if he left it, and gave it up altogether.

I, NICHOLAS O'BRIEN, of Coolegarnroe, in the County of Tipperary, Farmer, aged 35 years and upwards, do make oath and say :—

I am a tenant of a farm containing 15 acres or thereabouts, situate at Coolegarnroe, on the estate of Nathaniel Buckley. The rent which I paid for said farm up to the year 1873, was £2 0s. 6d., which Mr. Bridge insists must be £3 5s., which I am unwilling to pay, as I consider and believe that the land is not able to pay the increased rent and support my family. This farm is situated on the side of the mountain, about two miles from the road leading from Mitchelstown to Cahir. When my father took this farm, 48 years ago, from the then Earl of Kingston, it consisted of heath, stones, and coarse grass. My father and I, and my brothers, removed the stones ; we eradicated the heather and coarse grass out of portions of it ; the land is not able to yield potatoes fit for human diet ; I must go to other farms on the low-land each year and pay dearly for a potato garden for myself and family ; I buy special manure and guano and put it on the rented garden ; this year I put £4 4s. worth of manure on my rented garden ; very often I am obliged to buy hay for my cattle, as the land is not able to yield a sufficient quantity for their use ; I am deeply indebted in banks and in shops ; my diet, and the diet of

my family is generally of the poorest kind ; I believe that my diet is not as good as that used by the majority of the farmers of the County of Limerick ; I swear that Mr. Bridge is acting harshly and unjustly towards me ; the passage to my house is of the very worst description ; my father and mother, and myself, have carried manure on our backs on this farm ; I have worked on this farm with bare feet ; after all my labour and trouble, I say my heart is stuck in that mountain home, though the house is miserable ; it would not be safe to put cows therein ; I know cow houses which are far superior to it.

I, MICHAEL O'NEILL, of Carrigeen, in the County of Limerick, Farmer, aged 34 years and upwards, do make oath and say :—

I hold a farm of land at Carrigeen, containing 25 acres or thereabouts, situate on the estate of Nathaniel Buckley, Esq., which farm I held up to the year 1873, at the rent of £3 4s. 3d., which has been increased to £10 5s. I did not submit to the increased rent, as I do not believe that I could pay the increased rent and support my family. There were three persons in succession in possession of this farm, and they had to leave the place, completely broken, even at the old rent. After purchasing this farm I was possessed of £30 spare cash, together with fourteen sheep and two cows, and now instead of making money thereon, I am indebted. I had three cows last year, and the produce of these cows was less than two firkins of butter ; in order to make up the two firkins I had to buy 10s. worth of butter. My food is of the very worst description, the cheapest I can procure for myself and my family. Since I came into the possession of this farm I have been obliged to buy hay for my cattle. Had I known that the land would be raised, I would sooner emigrate than invest money in this mountainy place. I swear that Mr. Bridge is acting harshly and unjustly towards me. I believe that the majority of the farmers in the County of Limerick use far superior diet than that which I can afford to use.

I, JOHN O'BRIEN, of Mulberry, in the County of Cork, Farmer, aged 60 years and upwards, make oath and say :—

I was caretaker in Mitchelstown Castle, under the Trustees, during the years 1850 to 1865. Mr. Bridge came there in 1854, and left in 1867. Some years after Mr. Bridge came, Mr. Sadlier (the agent to the estate) died, and Mr. Bridge became agent.

Before retiring to rest at night, Mr. Bridge was accustomed to walk along the corridors of the west range of the Castle to his bedroom, whistling and singing. One morning, about the year 1862, he (Mr. Bridge) informed me that he had received a threatening letter. After that, said Mr. Bridge at night never pace the corridor whistling and singing as before. I saw pistols and an air gun with him after this time ; I never saw them before with him, or anything, but a stick in his hand. When going to bed thenceforward, he, for some time, when about to retire to rest, extinguished the light in his sitting-room, and went along the corridor in the dark to the door of his bed-room, which he had marked with a mat. When he used be going from the Castle to the office, about ten o'clock in the morning, and returning in the evening, the police accompanied him, following him, and keeping him in view as he went. This was for at least three months, in the year 1862.

I, WILLIAM BURKE, of Ballyporeen, in the County of Tipperary, Roman Catholic Clergyman, aged 40 years and upwards, make oath and say :—

1. That a list was made out of a large number of the tenants of Ballyporeen, in the County of Tipperary (which parish of Ballyporeen includes the larger portion of Mr. Nathaniel Buckley's property in the County of Tipperary), which said list contains the names of about 180 tenants of Mr. Buckley's on said property, and contains the old rents and the increased rents sought to be put on said tenants, and was made out, as the party who made out said list informed me, and I believe from the tenants themselves, and in great part from printed notices of increase of rents produced by said tenants, or from rent receipts, or other documents or statements made by said tenants.

2. I say that I forwarded said list to Mr. John S. Casey, at his request, he, I presume, having been informed that said list was in my possession.

3. I say that public report had it, and it was brought under my notice (I having heard same), that the property was valued some 20 years since, at the request of the Court in Dublin, by two gentlemen called Massy and Bennett (one of whom at least I believe now to be dead), who walked the mountain portion of said lands ; and that one of said gentlemen said he could put no value on the said mountain portion, and the other, according to report, put some nominal value on same.

4. The list in question was made out for the sole purpose of bringing it under Mr. Nathaniel Buckley's notice for the advantage of a kind consideration in favour of the tenantry.

I, WILLIAM O'BRIEN, of Coolegarnroe, in the County of Tipperary, farmer, aged 34 years and upwards, make oath and say :—

I am a tenant on the estate of Nathaniel Buckley, Esq., holding from and under him a farm containing 27 acres, statute measure, which farm I held up to the year 1873, at the rent of £1 4s., which has been increased to £2 13s. Only 4 acres more or less of this farm have been cultivated, the remainder is nothing but heath and stones. What oats we grow is of no value to us, as it never fills, and must be cut when green and given to the cows. I was obliged to sow furze seed in part of the cultivated part in consequence of its refusal to grow wheat, oats, or any other crop. The passage which I have to my farm from the public road is so very bad that a horse is incapable of carrying more than 2 hundred weight. I am not able to grow potatoes on this land, hence I am compelled to take a garden at rent in the lowland to grow potatoes for myself and family. I am not able to live by the farm; it is by other means I support myself. I job in stock, and thereby eke out a livelihood. I can't plough any portion of the farm, but am obliged to dig with a spade when cultivating the lands. I did not submit to the increased rent for a considerable time; Mr. Bridge then compelled me to pay three half gales together, saying, when I offered him same, with the exception of 3s., that I should have the full amount, or that he would not give me 3 days to pay it. The furze I try to grow is for fodder for my cattle.

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